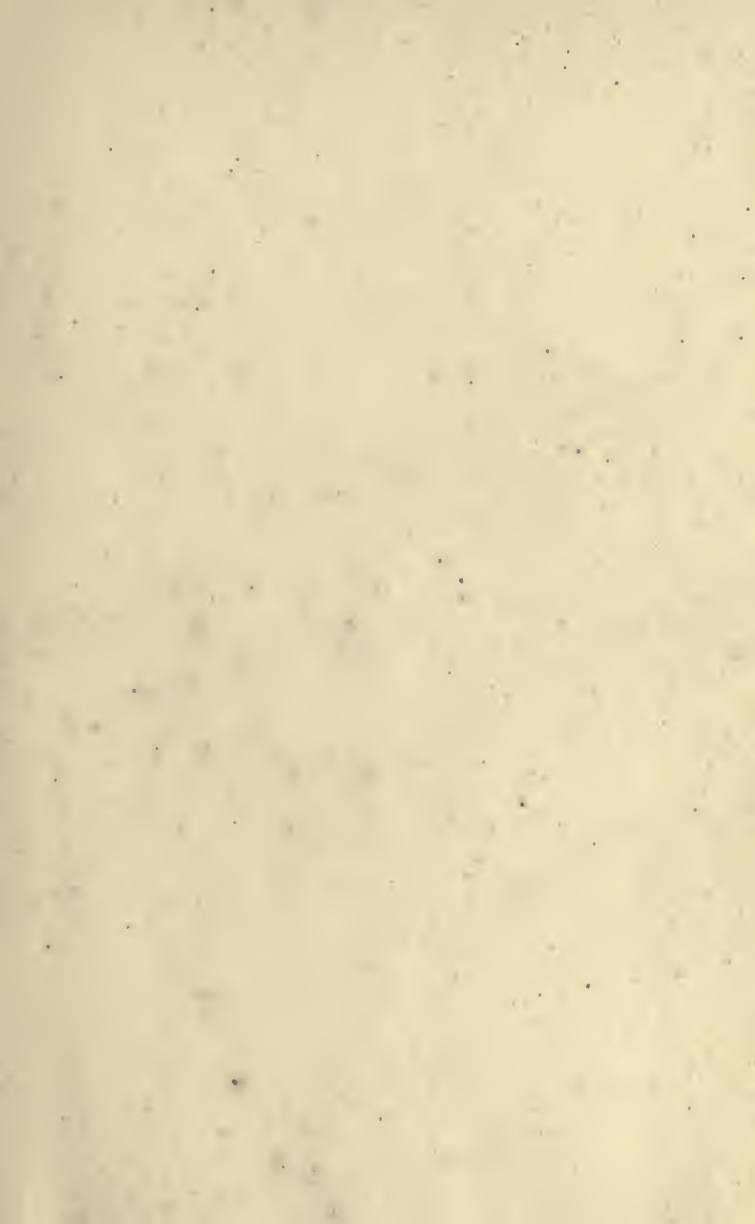




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THE GREAT SEAL OF WASHINGTON

As represented by a picture made from seeds and grasses, and exhibited
at the Alaska-Yukon-Pacific Exposition at Seattle

A TEXTBOOK OF CIVICS

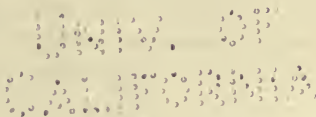
FOR THE

STATE OF WASHINGTON

BY

GEORGE CHANDLER

AUTHOR OF "IOWA AND THE NATION," "PRACTICAL CIVICS"



NEW YORK ··· CINCINNATI ··· CHICAGO
AMERICAN BOOK COMPANY

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WASHINGTON

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TO THE
LIBRARY OF
CONGRESS

PREFACE

This book has been written in answer to a popular demand for a textbook that will give the important facts in the government of the state of Washington and also of the United States. Government is becoming more and more complex as the years go by, and therefore it is of the greatest importance that definite instruction be given in civics in all our schools. It does not follow that a knowledge of the facts of civics will in itself make good citizens. It is the opinion of the author, however, that the boys and girls of our land should be taught the fundamental principles upon which the government of both the state and the nation is based.

Good government is founded on good citizenship. A few of our people are called upon to make laws. Others are chosen to enforce the laws. Still others are given the task of interpreting the laws. But all the people should be taught to obey the laws.

The best preparation that can be made by the pupils in our public schools to fit them for their duties and responsibilities of citizenship will be found to be thorough instruction in civics. Knowledge of this kind will not in itself make good citizens, but it will help. The principal reason given for the support of the common schools at public expense is that it is the duty of the state to train its youth to be good citizens.

It is the hope of the author that this book may be an instrument in the hands of the teachers of the state of Washington in helping them to do well their great work of training citizens.

The boys and girls of to-day will be the men and women of to-morrow. To the boys and girls of our state, this book is dedicated with the wish that they may grow into noble manhood and womanhood, strong men, noble women, true citizens.

GEO. CHANDLER.

SPOKANE, WASHINGTON.

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WASHINGTON AND THE NATION

BOOK I. WASHINGTON

CHAPTER I

THE CONGRESSIONAL TOWNSHIP

Kinds of Townships.—There are two different kinds of townships in Washington, congressional and civil. Civil townships exist in only part of the state, but every foot of land in Washington is in some congressional township. This division was provided for many years ago, by act of congress, and it has served as the basis of nearly all public land surveys made in this country since 1785.

Land Claims.—It will be remembered that certain of the thirteen original states claimed all the territory westward without limit. Massachusetts, for instance, claimed the land in the same latitude lying west of New York, and the latter state and Virginia also claimed it. The overlapping of such claims was the cause of much discussion and dispute among all the states. Maryland would not sign the articles of confederation until it was agreed that the unexplored regions to the west, about which there was dispute, should be surrendered to the general government.

The Northwest Territory.—This territory was acquired by Great Britain at the close of the French and Indian war, and was ceded to the United States at the close of the Revolution.

From it, there have been erected the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin. By the "Ordinance of 1787," the congress of the United States, under the confederation, provided for the organization of a territorial government for this section, and one of the provisions of that document was, "Neither slavery nor involuntary servitude shall ever exist in this territory, except in punishment for crime." Our present system of land surveys was first used in that territory, and from there it was extended to other territories acquired by the nation.

Rectangular Surveys.—In the Atlantic coast states, there was no uniform system of surveys, and land in that section has always been described by "metes and bounds." This is a very cumbersome method in comparison with the plan adopted later. The honor of establishing a uniform system of surveys for the public domain of the United States belongs to Thomas Jefferson and Albert Gallatin. This plan, known as the rectangular system of land surveys, was first used along the Ohio river, in 1787. The plan has been changed somewhat, but only in minor points.

Meridians.—The rectangular system of surveys is based upon lines running north and south, and others running east and west. Those running north and south are called principal meridians, and the east and west lines are known as base lines. Twenty-four principal meridians have been established for the survey of the lands of the United States.

How Named.—There are six meridians designated by number, and the other eighteen are named, usually from some city through which the meridian passes. The first principal meridian is the western boundary of Ohio, and the base line crosses the state towards the east, about one fourth of the way

south of the northern line of the state. The second principal meridian begins at a point on the Ohio and extends north through the middle of Indiana. The third and fourth meridians are in Illinois, one beginning at the mouth of the Ohio river, and the other at the mouth of the Illinois. The fifth principal meridian is the most important in the system of surveys, as a large area of the rich agricultural states west of the Mississippi is surveyed from it. Illinois has two principal meridians, but Arkansas, Missouri, Iowa, North Dakota, South Dakota, and parts of Minnesota and some other states are surveyed from the fifth principal meridian.

Willamette Meridian.—The Willamette meridian is the one from which the public lands of Oregon and Washington have been surveyed. It is located in longitude $122^{\circ} 44'$ west from Greenwich and enters the state of Washington a short distance west of Vancouver, Clarke county. The base line is in latitude $45^{\circ} 30'$ north, which is that of Portland, Oregon. All of Washington is north of the base line, and the greater part of Oregon is south of it.

Township and Ranges.—In the rectangular system of surveys, lines six miles apart are drawn north and south parallel to the principal meridian, dividing the land into strips called ranges; and lines six miles apart are drawn east and west parallel to the base line, dividing the ranges into squares called townships. The townships are numbered northward or southward from the base line, and the ranges are numbered eastward or westward from the principal meridian. Land lying just north of the base line and just west of the principal meridian is in township *one* north, range *one* west of the principal meridian. Every congressional township lying directly east or west of the one mentioned is also a township *one* north, and every township directly north of it is in range *one*

west. The civil township of Blanchard in the northeast corner of Spokane county, Washington, is in township twenty-nine north, range forty-five east of the Willamette meridian. The pupil should become so familiar with the rectangular system of surveys that he can locate, by numbers, any land in the county in which he lives.

Congressional Township.—The congressional township is the unit in making the original surveys. This is a tract of land six miles square, containing thirty-six square miles, or sections, and each section contains six hundred and forty acres. Congressional townships are always designated by numbers and never by name. Civil townships often correspond with the boundaries of congressional townships, but they are always given some local name. Below is given a diagram of a congressional township. The sections of every congressional township, according to the plan now used, are numbered as in this diagram, beginning in the northeast corner of the township, and counting alternately to the west and to the east:

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Sections.—For convenience in describing parcels of land containing less than a section, a uniform plan for the division of sections has been devised. The following diagram shows how this division is made, and each quarter section is numbered according to its location:

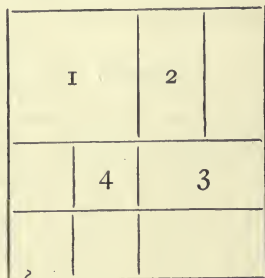
SECTION

N. W. $\frac{1}{4}$	N. E. $\frac{1}{4}$
S. W. $\frac{1}{4}$	S. E. $\frac{1}{4}$

Subdivisions.—Each regular quarter section is in square form, and contains one hundred and sixty acres, when properly surveyed. Owing to the curvature of the earth's surface and to irregularity of surveys, especially in the case of rolling or rough lands, the surveys are found to vary a little in nearly every township. In subdividing townships, all the sections are made to contain as exactly as possible the full number of acres, except those quarter sections lying along the west and north lines of the township. The west and north lines of each township may therefore be said to be correction lines for local surveys. In describing small parcels of land, as, for example, the east one half (E. $\frac{1}{2}$) of the southeast quarter (S. E. $\frac{1}{4}$) of any section, which contains eighty acres, the statement generally used in deeds is, "containing eighty acres, more or less, according to the United States government survey."

Below is given a diagram of a quarter section of land, showing the plan of subdivision:

SOUTHEAST QUARTER OF SECTION 16



Number 1 is the northwest quarter of the southeast quarter of section 16, and contains forty acres.

Number 2 is the west one half of the northeast quarter of the southeast quarter of section 16, and contains twenty acres.

Number 3 is the north one half of the southeast quarter of the southeast quarter of section 16, and contains twenty acres.

Number 4 is the northeast quarter of the southwest quarter of the southeast quarter of section 16, and contains ten acres.

Correction Lines.—Owing to the convergence of meridians in passing northward, it has been found necessary to establish secondary lines parallel with the base line. These lines are called standard parallels, or correction lines, and there are nine of them in the state of Washington. They are four townships, or twenty-four miles, apart. Their use is to correct the convergence of meridian lines running north, and they are practically base lines for the survey of the four town-

ships lying to the north of them. These lines are shown on large maps of the state, and are designated by numbers, beginning at the south. To aid in the survey of ranges east of the Cascades, the Columbian guide meridian is established in eastern Washington. It forms the western boundary of Lincoln county, and the Colville guide meridian forms the eastern boundary of that county. The former takes its name from the Columbia river, and the latter from Colville, the county seat of Stevens county, through which it passes.

Public Domain.—The public domain is the name given to the land owned by the United States. Liberal provision has been made for the sale or gift of land to actual settlers, and extensive grants have been made to the states for educational and other public purposes. From the very beginning, congress granted to new states section sixteen of each unorganized township, to be used as the basis of a permanent school fund. After 1848, section thirty-six was added, so that now as new townships are surveyed, the two sections named are set apart, and the proceeds from their sale form part of the permanent school fund of the state. State authorities are given the control of this fund, which is increased in several ways.

Land Grants.—Extensive grants of land from the public domain have been made to railroad corporations to aid in the construction of railroad lines through undeveloped portions of the country. Other large grants have also been given to the states to found agricultural colleges, state universities, and for the construction of state capitol buildings. Land is sold to actual settlers at a dollar and a quarter an acre under certain conditions. When the land lies within the area of a railway grant, every alternate section being given to the railroad company, the price to settlers is usually two dollars and a half an acre.

PATENTS AND DEEDS

Patent.—The following is an exact copy of a government deed, or patent, as it is called:

UNITED STATES PATENT

The United States of America. To all to whom these presents shall come, Greeting.

Homestead Certificate No. 5593. Application 8537.

Whereas, there has been deposited in the general land office of the United States a certificate of the register of the land office at Spokane Falls, Washington, whereby it appears that pursuant to the act of congress approved 20th May, 1862 "To secure homesteads to actual settlers on the public domain," and the acts supplemental thereto, the claim of William Wells has been established and duly consummated in conformity to law, for the north-east quarter of section eighteen in township twenty-five north, range forty-five east of Willamette meridian, in Washington, containing one hundred and sixty acres, according to the official plat of the survey of the said land, returned to the general land office by the surveyor general. Now know ye, That there is, therefore, granted by the United States unto the said William Wells, the tract of land above described; To have and to hold the said tract of land, with the appurtenances thereof, unto the said William Wells, and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and right to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, I, William McKinley, President of the United States of America, have caused these letters to be made patent, and the seal of the general land office to be hereunto affixed.

Given under my hand at the city of Washington, the tenth day of

September, in the year of our Lord one thousand eight hundred and ninety-eight, and of the independence of the United States the one hundred and twenty-third.

By the President, WILLIAM MCKINLEY,
(General Land Office, Seal) By F. M. MCKEAN, Secretary.

Recorded Vol. 77,
page 486.

C. H. BRUSCH,
Recorder of the General Land Office.

Filed Oct. 31, 1898, at 10.45 a. m.

Recorded Nov. 17, 1898, in book 94 of deeds, page 41.

Warranty Deed.—The following is an exact copy of a warranty deed to the land covered by the patent given on the preceding page. When the person named in this deed as owner sells the land, he will give a similar deed to the purchaser. A record of all deeds, mortgages, and other instruments affecting the title to land, with few exceptions, is made in the office of the county auditor.

WARRANTY DEED

THIS INDENTURE, Made this 29th day of October, A. D. 1898, between William Wells and Lucy E. Wells, his wife, parties of the first part, and Waldo G. Paine, party of the second part,

WITNESSETH, That the said parties of the first part for and in consideration of the sum of one and no/100 dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns forever, all that tract or parcel of land, lying and being in the County of Spokane and State of Washington and described as follows, to-wit:—

Northeast Quarter (NE $\frac{1}{4}$) of Section Eighteen (18), Township Twenty-five (25) North Range Forty-five (45) E. W. M. All in Spokane County, Washington.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise

appertaining to the said party of the second part, his heirs and assigns, forever. And the said William Wells and Lucy E. Wells, his wife, parties of the first part, for their heirs, executors and administrators, do covenant, with the said party of the second part, his heirs and assigns, that they are well seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in manner and form aforesaid; that the same are free from all incumbrances:..... and the above bargained and granted lands and premises, in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all persons lawfully claiming, or to claim, the whole or any part thereof, the said parties of the first part will warrant and defend.

IN TESTIMONY WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered

WILLIAM WELLS, (Seal)

in presence of

LUCY E. WELLS, (Seal)

S. J. Wells,

Dan L. Weaver

THE STATE OF WASHINGTON, COUNTY OF SPOKANE, SS.

I, Dan L. Weaver, a Notary Public in and for said County and State, do hereby certify that on this 29th day of October, A. D. 1898, personally appeared before me William Wells and Lucy E. Wells to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal, the day and year in this certificate first above written

DAN L. WEAVER,
Notary Public.

(Notary Public Seal)

Residing at Spokane, Washington.

Filed Oct. 31, 1898, at 10.50 a. m.

Recorded Nov. 11, 1898, in book 91 of deeds, page 413.

CHAPTER II

THE CIVIL TOWNSHIP

Civil Townships.—The civil township, where it has been adopted, is the unit, or basis, of local government. As a rule, in most of the states, every county is divided into several civil townships, and each township is named. Township names were usually given by the early settlers, often in honor of some prominent member of the first company of pioneers that entered the township. Indian names are also used frequently for this purpose. The boundaries of a civil township may be the same as those of a congressional township, but very often a civil township is formed from parts of two or more congressional townships. No confusion can arise on this account, because the congressional township has none of the functions of local government.

Organization.—In the organization of counties into townships under the present law in Washington, a petition signed by one hundred, or more, qualified electors of the county is presented to the board of county commissioners, asking for separate township organization. The board submits the matter to the qualified voters of the county at the next general election, and if a majority of votes cast at such election are in favor of the township plan, the board proceeds to divide the county into townships. This division does not affect cities, incorporated towns, and villages, nor does it apply to unsurveyed portions of the county. There must be at least twenty-

five qualified voters in each township at the time of the organization. The board names the townships, and it is so arranged that no two townships in the state can have the same name.

Spokane county is (1910) the only one in Washington that has adopted the civil township system.

Town Meeting.—The old-fashioned "town meeting" of New England was the beginning of local self-government in the United States. There, the people met to discuss matters of general interest, and to decide upon measures to be adopted for the common good. A large number of the states have made provisions for the township meeting, where the people decide for themselves who shall serve them as officers for the following term. Matters of general interest for the welfare of the town are also discussed. The regular township meetings in the state of Washington are held annually on the second Tuesday of March. Special meetings may be called whenever the best interests of the town require.

Officers.—The township meeting is authorized by law to elect three supervisors, one of whom is designated on the ballot as chairman, a clerk, treasurer, assessor, and one overseer of highways for each road district. The term of these officers is one year. At the township meeting every second year a justice of the peace and a constable are chosen for a term of two years. Some voting precincts are permitted to choose two justices of the peace and two constables. A vacancy in the office of justice of the peace or constable may be filled by the electors at a township meeting, for one year.

Township Supervisors.—The township supervisors have many important duties to perform. They have general charge of such affairs of the township as have not been delegated to other officers. They draw warrants on the treasurer to defray

the expenses of township government, act as fence viewers, have charge of highways and bridges, constitute the local board of health, and audit accounts against the township. They prosecute officers on their official bond, in the name of the township, for nonperformance of duties, and also collect forfeitures and penalties accruing to the township.

Township Clerk.—The township clerk acts as secretary of the township board of supervisors, and he is required to keep a true record of all their proceedings in his office. He reports to the county auditor, after each annual meeting, the amount of taxes to be levied for the benefit of the town, as voted by the electors at the township meeting. He is authorized to administer oaths and take acknowledgments to instruments in a manner prescribed by law. He is required to give a bond signed by two or more sureties, in such amount as the supervisors may require, conditioned upon the faithful performance of his duties.

Township Treasurer.—The township treasurer collects all money belonging to the township, and pays out the same on warrants drawn upon him by the proper officers. He is required to keep an accurate account of all money handled by him, and to turn over to his successor in office any balance in his possession at the close of his term of office, together with all books, records, and other property held by him by virtue of his office. He is entitled to charge two per cent. for collecting and disbursing the funds of the township, provided his compensation shall not amount to more than one hundred dollars a year. He is required to give a bond in twice the amount that is likely to come to him by virtue of his office.

Assessor.—The township assessor is required to make a list of all property owned in the township, both personal and real, and to fix its value for the purpose of taxation. The

necessary books and blanks for the use of the township assessor are furnished by the county assessor, and all such blanks used are uniform. In counties not organized into townships, the work of assessment is done by the county assessor and his deputies. As this is the plan generally followed in Washington, a fuller discussion of the subject is given in Chapter VI., pages 50-53.

Review.—To insure accuracy and fairness of assessment of property for all persons in the township, the supervisors of each township are required to meet at the office of the town clerk on the second Monday in May of each year. When acting for this purpose, they are called the board of review. It is their duty to examine the books of the assessor, to see that all property in the township has been properly listed, and that the assessor has fixed the true and full value of such property for taxable purposes. They are permitted to raise or lower the assessed value of any piece of property, the purpose being to secure uniformity of assessment as between individuals in the township. If the assessment of the property of any person is to be raised, such person must be notified of the proposed change, and be permitted to appear before the board for a hearing, if he so desires. Any person aggrieved by a decision of the township board of review may present the matter to the county board of equalization for settlement.

Overseers of Highways.—The overseers of highways perform duties similar to those of road supervisors in counties not organized into townships, as described in Chapter VI., pages 48, 49.

CHAPTER III

THE JUSTICE'S COURT

Justice of the Peace.—Each civil township, as we have seen, has a justice of the peace and a constable. In counties that are not divided into civil townships, each voting precinct chooses one justice of the peace and one constable, except cities having more than five thousand population. Such cities may elect one additional justice of the peace and one constable. Cities of the first class elect two justices of the peace and two constables. The salary of justices of the peace is twelve hundred dollars a year in the larger cities; elsewhere they are allowed fees for the work done. Each justice of the peace is required to give a bond of not less than five hundred nor more than a thousand dollars as determined by the board of supervisors, or the county commissioners.

Jurisdiction.—The jurisdiction of justices of the peace, when not specially restricted by law, is coextensive with the county in which they reside. Each justice keeps a record book, or docket, as it is called, in which he records all official acts done by him. The principal duty of justices of the peace is to hold court for the trial of certain kinds of offenses, and for the settlement of disputes or the collection of small sums of money by process of law.

Lawsuits.—Suits at law are of two general kinds, civil and criminal. A civil suit is one for the enforcement of right or the prevention of wrongdoing. A criminal suit is brought in the name of the state for the purpose of punishing an

offender against the criminal law of the state. Crimes are of two classes, felonies and misdemeanors. A felony is a crime that may be punished by imprisonment in the penitentiary, by heavy fine, or by death. A misdemeanor is a minor crime, and is punished by light fine, or by imprisonment in the county jail. Murder, manslaughter, burglary, arson, grand larceny, and several other crimes are felonies. Petit larceny, assault and battery, drunkenness, the refusal of an officer to do his duty, and other light offenses are misdemeanors. The person who begins the suit is called the plaintiff, and the person sued, the defendant.

Notice of Suit.—Some suits in justice courts may be commenced by the voluntary appearance in court of both parties to the suit. In many cases, a written notice from the justice of the peace to the defendant is necessary. Such a notice must contain the name of the defendant, or a description of him, if his name is unknown, the nature of the claim, the amount claimed by the plaintiff, and the time set for trial. The notice is then given to the sheriff, or to any constable of the county, to be served upon the defendant. The defendant must have at least five days' notice of the time of trial, which date must be not less than six nor more than twenty days from the time the action is begun. The defendant in any civil suit may put a stop to the suit at any time, by paying the amount of the claim with the costs that have accrued.

Change of Venue.—Before the trial commences, the court may, on motion, change the place of hearing to some other judge or justice having jurisdiction. This is called a change of venue, and it may be demanded by filing an affidavit, or written statement under oath,

1. That the county designated in the complaint is not the proper county; or

2. That there is reason to believe that an impartial jury cannot be had therein; or

3. That the convenience of witnesses or the ends of justice would be forwarded by the change; or

4. That the judge (or justice) is disqualified because he is an interested party to the suit, that he is a near relative of either party, or that he has acted as counsel for one or the other of the parties to the suit.

Jurisdiction.—A suit for the collection of a promissory note or the recovery of goods, chattels, or money may be commenced in a justice's court, provided the amount of the note, or the value of the other property claimed, is less than one hundred dollars. The jurisdiction of justices of the peace, in criminal cases, extends only to the trial and punishment of persons accused of misdemeanors, but in no case can the punishment inflicted by them exceed a fine of one hundred dollars, or imprisonment in the county jail for a longer period than thirty-three days. Any person convicted of a crime in any justice's court may appeal to the superior court within ten days following such conviction.

Procedure.—The mode of procedure is much the same in both civil and criminal cases. In any criminal action, the accused may, before any testimony has been taken, demand a trial by jury. If he is convicted, the justice renders the judgment of fine or imprisonment or both as the case may require.

Other Powers.—Besides performing the duties above mentioned, a justice of the peace may take acknowledgments of deeds, mortgages, and other legal papers, solemnize marriage ceremonies, and bind over disorderly persons to keep the peace.

If a person charged with having committed a felony is ex-

amined before a justice of the peace, and the evidence seems to show the accused to be guilty, the justice cannot decide the case and affix the penalty. It is his duty to bind the prisoner over to appear for trial at the next session of the superior court. When a person is bound over to appear before a higher court for trial, he gives a bond signed by responsible parties in which it is agreed that, if the accused does not appear for trial at the proper time, the amount of money named in the bond will be paid over to the proper officers for the benefit of the school fund of the county. Persons who cannot furnish bonds, in such cases, are sent to the county jail to await trial.

Constable.—The constable is the police officer of the township and the proper executive officer of the justice's court, but any of the duties required of him may be performed by the sheriff of the county. The salary of a constable in the larger cities is seven hundred and twenty dollars a year, and in certain cases he is allowed fees in addition to his salary. In small precincts, he is paid fees for the work done, and receives no regular salary.

Duties.—It is the duty of the constable to serve all warrants, notices, and other legal papers, when lawfully directed to do so by the supervisors or clerk of the township, or by any court, and to perform certain other duties as required by law. He is forbidden to act as attorney for any party, or to purchase any property offered for sale by him upon execution or other legal process. Constables, although elected by the voters of their respective townships, may be called upon to perform their official duties in any part of the county. Hence they may, in a special sense, be considered county officers. The bond of a constable is fixed by the township supervisors, or the county commissioners,

CHAPTER IV

TOWN AND CITY GOVERNMENT

Cities Classified.—The term town government is often used in a broad sense, so as to include cities as well as incorporated towns. The government of cities and towns is also often called municipal government. In Washington, cities which have a population of more than twenty thousand are of the first class; those which have not less than ten thousand nor more than twenty thousand are of the second class; and those which have not less than fifteen hundred nor more than ten thousand population are cities of the third class. Municipal governments of less than fifteen hundred inhabitants are called incorporated towns, or cities of the fourth class. Each city or town contains as much territory as the inhabitants think necessary, and additions are frequently made to the original plats. This territory is divided into blocks, which are divided into lots for convenience of ownership. For governmental purposes, cities are divided into wards, and each ward chooses its own members of the city council. Every city and town is a municipal corporation, and as such it may sue or be sued, hold property as an individual, and perform such duties for the common good as may be sanctioned by law.

First Class.—Cities of the first class are authorized by the state constitution to draft charters for their own government. Such charters are regulated by general laws that apply to all

such cities, but each charter provides special details of the government of the city by which it is adopted. The law provides for a committee to draft a charter for the city, and when this has been done, the charter is submitted to the qualified electors for adoption or rejection.

Officers.—As each city of the first class decides for itself how it shall be governed, when it adopts its charter, it will be seen that there may be no uniformity in the list of officers chosen. Following custom, cities may provide for a mayor, council, clerk, treasurer, assessor, board of public works, police judge (justice of the peace may act), and several others. The commission plan of government has been adopted by a number of cities in other states, and some of the cities of Washington also have recently voted to adopt it (page 32). By this plan, a commission of three or five persons, properly elected from the city at large, takes the place and performs the duties of the mayor and council.

Cities of Second Class.—The legislature has passed laws for the government of cities below the first class.

Officers.—The officers of the cities of the second class in this state are a mayor, twelve councilmen, a street commissioner, clerk, treasurer, police judge, city attorney, chief of police, and five library trustees whenever a free public library is maintained. The council may also by ordinance provide for the election or appointment of a superintendent of irrigation, city engineer, pound master, city jailer, and such other officers as may be necessary.

Election.—The mayor, members of the city council, treasurer, and clerk are elected by the people for a term of two years. The term of the other officers is one year. The other officers named above are appointed by the mayor, subject to approval or rejection by the council. No person is

eligible to hold any office in a city of the second class who is not a resident elector at the time of his election or appointment, and he must have been a resident of the state of Washington for the preceding year. Councilmen must also be residents of the wards they are chosen to represent. General municipal elections are held on the Tuesday next after the first Monday in April of each year, and the term of office begins on the first Monday in May following the election. Six members of the council are chosen each year.

Oath and Bond.—Every civil officer in this state is required to take an oath of office, before beginning the discharge of his duties. This, of course, applies to all city officers. The clerk, treasurer, city attorney, chief of police, police judge, and street commissioner are required to give bonds in such amounts as the city council may require. All bonds required of officers are conditioned upon the faithful performance of duty.

Salaries.—The salaries of city officers are fixed by ordinance passed by the council. The salary of the mayor cannot be more than five hundred dollars a year, and the salary of each member of the council cannot be in excess of three hundred dollars a year. The salary of the city clerk cannot be more than one hundred and fifty dollars a month, and that of the chief of police, treasurer, and attorney cannot exceed fifteen hundred dollars a year. All salaries are payable monthly. Library trustees serve without pay.

Recall.—Whenever the services of any councilman are unsatisfactory to the people of his ward, they may demand his recall in the following manner. A petition signed by three fifths of all the voters of the ward is presented to the city council asking for the recall of the councilman. It is then the duty of the council to call a special election in that ward.

The councilman may be reëlected, but failing in that, he must give up the office to the successful candidate.

Mayor.—The mayor is the chief executive officer of the city. He presides at the meetings of the council, but he has no vote upon any question, except in case of a tie. The mayor may veto any ordinance passed by the council within eight days from the date it is submitted to him, but, by a two-thirds vote of the entire membership, the council may pass the ordinance over the veto. With the consent of the council, the mayor appoints the policemen and all subordinate officers of the city. He countersigns all warrants for the payment of money from the city treasury, and all deeds, leases, and contracts to which the city is a party in interest. The city council elects a president of the council to act as chairman in the absence of the mayor. He may, or may not, be a member of the council.

Council.—The council passes ordinances and adopts resolutions for the government of the city. An ordinance is in the nature of a law passed by the city council. It applies only to the city in which it is passed. The council not only passes certain laws for the government of the city, but it sees to the enforcement of laws relating to the general welfare of the people. Before any ordinance can be put into effect, it must be published in the official paper of the city. In this way, the people are informed of the action of the council.

Clerk.—The city clerk keeps the record of all business transacted by the council, and signs all warrants, licenses, deeds, and other legal documents for the city. He also keeps an accurate account of the receipts and expenditures of the city. He is the custodian of the corporate seal, and of all documents and records belonging to the city.

Treasurer.—The treasurer is the custodian of the funds of

the city. He receives all moneys belonging to the city from all sources, keeps an accurate account of the same, and pays all warrants properly drawn upon him by the city clerk or any other officer authorized by law. He makes a monthly report to the council showing the condition of the treasury.

Other Officers.—The duties of the other officers of the city are such as are indicated by their titles. In addition to the officers named above, a recent law provides that the city council shall appoint a health officer, prescribe his duties, and fix his compensation. The city attorney acts as counsel for the city in any suit at law. The police judge acts in the capacity of a justice of the peace, with the added responsibility of punishing violations of ordinances of the city.

Cities of Third Class.—The provisions for the government of cities of the third class do not differ materially from those that apply to cities of the second class. The officers of such cities are the mayor, a city council of seven members, one councilman at large, clerk, treasurer, city attorney, and such subordinate officers as may be appointed by the mayor in compliance with ordinances of the city. All of the officers named above are elected by the qualified voters of the city for a term of one year, except the councilmen, who are chosen for two years, three being elected one year and four the next.

General Provisions.—The council performs its duties in accordance with law, and all cities of this class are governed in the same general manner. Some cities require more subordinate officers than others. Salaries of all officers are fixed by the council, but the law fixes a limit of salary for each officer, and beyond this limit the council cannot go. The mayor is given the veto power, but the council may pass an ordinance over the veto, by a two-thirds vote of all the members. The office of police judge is generally filled by a justice

of the peace. The mayor and members of the council receive no pay, except while serving as a board of equalization. The election of officers in cities of the third and fourth classes occurs on the Tuesday next after the first Monday in December of each year, and the officers begin the discharge of their duties on the second Tuesday in January following.

Towns.—Incorporated towns include all municipal corporations that have more than three hundred and less than fifteen hundred inhabitants. Such corporations are often called cities of the fourth class. The officers of such towns are a mayor, a council consisting of five members, clerk, treasurer, health officer, attorney, marshal, and a police judge who may also be a justice of the peace. The mayor and council are elected for terms of two years, two members of the council being chosen one year, and three the next. The city treasurer is elected annually. All other officers are appointed by the mayor and hold office during his pleasure. The mayor and councilmen receive no compensation. Other officers are paid the salaries fixed by the council. Meetings of the council are held at least once a month.

Commission Form.—Cities of the second class are now permitted to adopt the commission form of government, electing a mayor and two commissioners instead of a mayor and council. Several cities have recently adopted this plan under the new law, and Tacoma and Spokane, cities of the first class, are now governed by commissioners as provided for in their new charters, recently adopted.

CHAPTER V

THE PUBLIC SCHOOLS

School System.—The people of the state of Washington are justly proud of their excellent system of public schools. The proceeds of the sale of lands granted to the state for the benefit of the permanent school fund, together with some other sums accruing to that fund, now amount to fully nine million dollars. This large sum will be increased, in years to come, by the sale of the remaining school lands. The permanent school fund is invested in such a way as to be absolutely secure from loss, and the income from it is distributed quarterly to the several school districts of the state, according to the school attendance in each. Tuition is free to all residents of the state between the ages of six and twenty-one years. In addition to the system of common schools, the state maintains three normal schools, the state university, the state college, and suitable schools for the training of defective children. The total value of public school property in the state is more than fourteen million dollars, and the amount expended for the support of the public schools for the fiscal year ending June 30, 1909, was more than seven million dollars.

General Provisions.—The law provides that all common schools shall be taught in the English language, and, in addition to teaching the common branches, instruction is given in ethics, the laws of health, and other matters designed

to benefit the pupils generally. The school day consists of six hours; the school week, of five days; the school month, of four weeks; and the school year, of not less than nine months. The school year mentioned has reference to the granting of certificates. The school year, for general business purposes, begins on the first day of July, and ends on the last day of June following. Every school district is required to maintain school at least six months in each year.



Queen Anne High School, Seattle

Districts.—For purposes of supervision, each county in the state is designated as a county school district. For the local support and management of schools, cities of the first and second classes are known as districts of the first class. Cities of the third and fourth classes are districts of the second class, and all other districts belong to the third class. Two or more districts may be united into what is known as a consolidated district. A district composed of territory lying partly in two or more counties is called a joint school district. In general, each school district must contain at least four sections of land. The law, however, provides for the formation of districts of

smaller area than four sections, under certain conditions. School districts in each county are numbered consecutively.

Census.—A school census is required to be taken each year in all districts of the state. This census shows the number of persons of each sex, between the ages of six and twenty-one years, who were residents of the several districts on the first day of May. The enumeration made in each district is sent to the county superintendent. All the reports



Tacoma High School

from the several districts are tabulated by him and forwarded to the state superintendent of public instruction. The complete reports from all the counties show the full number of persons of school age in the state.

Directors.—In each school district, a board of directors has the general management of the schools. The board adopts rules and regulations for the management of the schools. It has charge of the erection of school buildings, the fixing and payment of salaries of teachers and other employees, and the settlement of all contingent and incidental expenses. In districts of the first class, it is the duty of the board to em-

ploy a city superintendent of schools, in addition to the other teachers required, and to furnish free textbooks for use in the schools, when ordered to do so by a vote of the qualified electors of the district.

First Class.—The board of directors in districts of the first class consists of five members, chosen by the qualified voters of the district on the first Saturday of December for terms of three years. Two members are chosen each of two years in succession, and one member is chosen the third year. Each director enters upon the duties of his office on the first Monday in January following his election. At the first regular meeting in each year, the board is organized by the election of one of its members as president. A vice president is also chosen from the board, and a secretary who is not a member is elected to serve during the pleasure of the board, at a salary fixed by them.

Second and Third Classes.—The school board in districts of the second and third classes consists of three members, one being chosen at the regular annual election on the first Saturday in March, for a term of three years. Their term of office begins on the fourth Monday following their election. The board meets at two o'clock p. m. on that date, and organizes by the election of one of its members as chairman. At this time, a clerk of the board is elected. He may, or may not, be a member of the board. In districts of the second class, regular meetings are held on the first Friday of each month. In districts of the third class, regular meetings are held on the first Saturday of February, May, August, and November. Special meetings of the board, in all districts, may be held whenever necessary. The clerk takes the enumeration of persons of school age in his district.

Compulsory Education.—Attendance in the public schools



South Central High School, Spokane



Everett High School



Lincoln High School, Seattle

of this state is compulsory for all children between eight and fifteen years of age. In the larger districts, truancy, or probation, officers are employed to see to the enforcement of the compulsory attendance law. To aid in the support of this law, it is made a misdemeanor for any person, firm, or corporation to employ children under fifteen years of age during the time the public schools are in session in the district in which the children reside, unless it is done with the knowledge and consent of the school superintendent of the district.

Patriotism.—The primary purpose of the establishment of common schools supported at public expense is to train for citizenship. Every school is required to own a United States flag, and to keep it displayed during school hours, except in inclement weather. The following section of the school law is an important one: "It shall be the duty of all teachers to impress on the minds of their pupils the principles of morality, truth, justice, temperance, humanity, and patriotism; to teach them to avoid idleness, profanity, and falsehood; to instruct them in the principles of free government, and to train them up to the true comprehension of the rights, duty, and dignity of American citizenship."

Textbooks.—For the adoption of textbooks for use in the public schools of this state, districts are separated into two divisions. The first division includes all districts that maintain an accredited high school course of four years. All other districts belong in the second division. In each district of the first division, there is a textbook commission of five members appointed to select suitable books for use in the schools of the district. This commission consists of the city superintendent, two members of the school board, and two teachers of the district appointed by the board of directors. Text-

books cannot be changed oftener than once in three years, in districts of the first division. The county board of education adopts books for districts of the second division for a term of five years.

Circulating Library.—The county superintendent of each county in this state is authorized to establish a circulating library for the use of pupils in the common schools of the county. To sustain such a library, the county commissioners are authorized to levy a tax of not more than one tenth of a mill on the taxable property of the county. The county superintendent has charge of the county circulating library. He is authorized to purchase the necessary books and fixtures for the library, but he may purchase only such books as have been recommended by the state board of education, or by the state superintendent of public instruction.

Current School Funds.—The interest on the permanent school fund, together with the rental of school lands, must be used for the benefit of the public schools of the state, each year. This fund is increased by the net proceeds of all fines and forfeitures collected for violation of the penal laws of the state. In addition, the state board of equalization is required to levy such a sum as will, when added to the items above mentioned, amount to ten dollars for every person of school age in the state, provided such tax does not amount to more than five mills on the dollar. The money so raised is known as the current state school fund, and it is apportioned to the several counties of the state according to the attendance of pupils in each district. Every district is credited with at least two thousand days' attendance each year.

County Tax.—At the time of making the annual tax levy for county purposes, the county commissioners also levy a tax on all the property of the county sufficient to produce the sum

of ten dollars for every person of school age in the county. As in the case of the state tax for school purposes, the levy must not exceed five mills on the dollar.

District Tax.—The board of directors of each district estimates the total amount of money needed to defray the expenses of the schools of the district, each year. This estimate covers the expense for schoolhouses, teachers' salaries, and all incidentals. In addition to the twenty dollars for each person of school age received from the state and county funds, a district tax is levied upon all the taxable property of the district. The proceeds from this tax make up the balance needed for the support of the schools. The estimate for the district of Spokane for 1910, for instance, was as follows: One hundred and eighty-five thousand dollars is expected from the current state fund, and one hundred and ninety thousand dollars from the county school fund. In addition to this, a levy of four and one half mills was made as a district tax which is intended to bring the entire district fund up to a total of six hundred and seventy-seven thousand, five hundred dollars. The total amount of money received from all these sources is called the general school fund.

Bonds.—The electors of any school district in the state may authorize the board of directors to issue bonds equal to five per cent. of the value of the taxable property of the district for the purchase of schoolhouse sites, the erection of schoolhouses, the payment of district debts, and for several other purposes provided for by law. Such bonds must not bear more than six per cent. interest, nor be issued for a longer period than twenty years.

Teachers.—All persons desiring to teach in the schools of this state must be provided with teachers' certificates or diplomas, as required by law. Teachers are required to

report to the county superintendent at the close of each term such matters as may be necessary to enable the superintendent to furnish the data required by the state department of education. Teachers are not required to teach on legal holidays. A teacher may suspend a pupil for insubordination, but must report the suspension at once to the board of directors.

No person under eighteen years of age is permitted to teach in the public schools of this state, and no person under nineteen is entitled to receive a certificate higher than a second grade. Good moral character and personal fitness are considered two essential qualifications for teaching. Aptness to teach, ability to govern, and successful experience in teaching should be taken into account in the granting of certificates, whenever it is possible to do so.

Certificates.—Teachers' certificates and diplomas in this state, except temporary certificates, and certificates in certain large cities, are issued or countersigned by the superintendent of public instruction. They are based upon examinations conducted by the superintendent of schools of each county. These examinations are held at the county seat three times a year on dates fixed by law. The examination papers written by each applicant are forwarded to the state superintendent to be graded. Successful applicants are granted certificates to teach, as provided by law.

City Certificates.—In districts employing at least one hundred teachers, a local board of examiners is authorized. This board consists of the city superintendent and two assistants who are chosen by the board of directors. This board conducts the examination of applicants to teach in the schools of the city and grants certificates to successful applicants.

Classes of Certificates.—The following classes of certificates are recognized by law in this state:

First. Common school certificates and diplomas.

- (a) Third grade certificates.
- (b) Second grade certificates.
- (c) First grade primary certificates.
- (d) First grade certificates.
- (e) Professional certificates.
- (f) Permanent certificates.
 - 1. First grade primary.
 - 2. First grade.
 - 3. Professional.
- (g) Life certificates.

Second. City certificates.

- (a) High school.
- (b) Grammar school.
- (c) Primary.

Third. Certificates and diplomas of higher institutions.

- (a) Normal schools.
- (b) State college.
- (c) University of Washington.

Fourth. Temporary certificates.

Fifth. Special certificates.

CHAPTER VI

COUNTY GOVERNMENT

PART I

Counties.—The state of Washington has an area of sixty-nine thousand, one hundred twenty-seven square miles, and is divided into thirty-nine counties. When the state was admitted into the Union, in 1889, there were thirty-four counties, only five new ones having been formed since the state organized. The Columbia river crosses the state from north to south and forms nearly three fourths of the southern boundary. This river crosses the northwest corner of Stevens county, and that is the only county in the state crossed by it. However, it forms a partial boundary line of eighteen (nearly half) of the counties of the state. Several other rivers, the Cascade mountains, and Puget sound seem to form natural lines of division for counties. A glance at the map of the state will show that county boundaries are quite irregular, not a single county of the state being bounded entirely by straight lines.

County Names.—The study of county names is full of interest. The state itself was named for Washington, and it is the only state named in honor of a president of the United States. Adams, Jefferson, Pierce, Lincoln, Grant, and Garfield counties were named in honor of presidents. King county was named in honor of William Rufus King, vice president of the United States from 1853 to 1857. Lewis and Clarke counties perpetuate the names of the leaders of that wonderful expedition that explored the Northwest more than

a century ago. Whitman county was named for Marcus Whitman, one of the most remarkable pioneers of any state. Thomas H. Benton of Missouri, Stephen A. Douglas, and Benjamin Franklin are remembered in the naming of three counties. Ferry county was named for Elisha P. Ferry, first governor of the state; Stevens for Isaac I. Stevens, its first territorial governor; Mason for Charles H. Mason, first territorial secretary; and Thurston for Samuel R. Thurston, first delegate to congress from Oregon territory. Thus we find that seventeen counties were named for prominent men.

Other Names.—Another class of names includes Columbia county, named from the river of that name; Island county, so called because it is composed chiefly of islands; Pacific county, from the Pacific ocean; San Juan county, from its largest island; and Pend Oreille from the river of that name. The names of the other seventeen counties are of Indian origin. They are Asotin (eel creek); Chehalis (sand); Chelan (deep water); Clallam (strong people); Cowlitz (Indian tribe of the same name); Kitsap (brave); Kittitas (gray gravel bank); Klickitat (robber); Okanogan (rendezvous); Skagit (Indian tribe of same name); Skamania (swift water); Snohomish (union); Spokane (child of the sun); Wahkiakum (name of an Indian chief); Walla Walla (running water); Whatcom (noisy water); and Yakima (black bear). The map of the United States is covered with Indian names,—states, cities, counties, mountains, valleys, rivers, and plains,—but not more than thirty words of Indian origin are found in the body of our language, exclusive of proper names.

Counties Classified.—The counties of the state are classified according to population for the purpose of fixing and paying salaries, providing for deputies, and the collection of

fees. There are now twenty-nine classes of counties: Counties of the first class must have a population of more than eighty thousand, and those of the twenty-ninth class, less than one thousand. There is a gradual increase in the salaries of officers from the lowest class of counties to the highest. The code should be consulted for the complete classification of counties.

County Seat.—County government in the state of Washington is very important, as the county is the unit for many governmental purposes. In each county, the people have selected a place at which the principal business of the county is transacted. This place is known as the county seat, and it should be as centrally located as possible.

Officers.—The officers of a county are a board of three commissioners, a sheriff, clerk, auditor, treasurer, attorney, assessor, superintendent of common schools, surveyor, and coroner. In counties having a population of less than three thousand, two or more offices whose duties do not conflict may be combined, by order of the county commissioners, and one person be elected to fill such offices.

Election.—The county officers are chosen by the qualified voters of the county at the general election in each even-numbered year, for a term of two years. The election is held on the Tuesday next after the first Monday in November. Each county is divided into three districts, and one commissioner is elected from each district by the qualified voters thereof. No county officer can be elected to the same office for more than two terms in succession. The principal duties of these officers will now be discussed. For their special powers, reference should be made to the code of Washington and to the session laws, as the acts of the legislature are called.

Qualification.—All civil officers in the state of Washington are required to “qualify” within a certain time, which is usually two weeks, after they have been notified of their election or appointment to such office. The qualification of an officer consists in subscribing to an oath or affirmation to support the constitution of the United States and of the state of Washington, and faithfully to discharge the duties of the office to which he has been chosen, to the best of his ability. A failure to qualify within the time prescribed by law is considered a refusal to serve.

County Commissioners.—The county commissioners have charge of the erection and repair of the courthouse and other county buildings, the location of county roads and the construction of county bridges, the licensing of ferries, the assessment and collection of county taxes, and the payment of all just claims against the county. They audit the accounts of other county officers and make settlements with them at regular intervals. They also have the care of all county property and the general management of all the business of the county. They represent the county in all legal actions, and perform such additional duties as may be required by law.

Meetings.—At the first meeting of the board after the general election, one of their number is chosen to preside at the meetings of the board and to sign all its official documents as chairman. Regular meetings of the board are held at the county seat, on the first Monday of January, April, July, and November. They also meet on the first Monday in August to act as a board of equalization for the county. In counties having a population from six thousand to twelve thousand, regular sessions of the board are limited to thirty days in each year; when the population is between thirty-five hundred

and six thousand, the limit is twenty-five days; and in counties of less population than thirty-five hundred, sessions are limited to twenty days. In the more populous counties of the state, so much work is required of the county commissioners that they are occupied with the business of the county practically all of the time.

Bond and Salary.—Each county commissioner in this state is required to give a bond varying from two thousand to twenty thousand dollars, according to the class of county in which he is elected. Commissioners of counties of the first class receive an annual salary of two thousand dollars and necessary traveling expenses. Those in counties of the twenty-ninth class are allowed four dollars a day for the time actually employed, and ten cents a mile for the distance traveled. The salary of commissioners in other counties varies between the above limits, according to the length of service required.

Road Supervisors.—The board of county commissioners now has charge of the construction and repair of the highways of the county. To make this work effective, the commissioners are required to divide their respective counties into road districts, not exceeding twenty-four in number in any county. They appoint a road supervisor for each district, who must be a resident elector of the district. He gives a bond to the county commissioners in such sum as they may require. He is paid not to exceed four dollars a day for the time he is actually employed.

Duties.—It is the duty of the road supervisor, acting under the direction of the county commissioners, to keep the roads and bridges of his district in as good condition as possible with the funds that are available for that purpose. He is required to make a monthly report to the commissioners,

showing the amount of work done in his district since his last report. He has charge of the construction of bridges that cost less than one hundred and fifty dollars. Bridges that are to cost more than the above-mentioned sum are known as county bridges, and they are built under contract let by the county commissioners, in a manner prescribed by law. Roads are constructed and repaired from the proceeds of a tax of not less than one mill nor more than ten mills on the dollar, of the assessed value of the property in the road district in which the tax is levied. Property owners in any district may pay their road tax in labor on the highways, if they choose, but otherwise road taxes are payable in money the same as taxes for other purposes. Road taxes are levied by the board of county commissioners of each county.

Legislative Powers.—The board of county commissioners is often called the legislative body of the county, and there is a sense in which the statement is true. Each board acts only for its own county, and in a manner prescribed by law. This legislative power consists in the adoption of certain regulations for the management of county affairs, for which there is no special provision of law. Nearly all boards of commissioners and directors, authorized by the laws of the state, are given large discretionary powers, and it is in the exercise of such powers that boards of county commissioners are said to have the right to legislate. One of the most important powers of the county commissioners is to levy taxes, as described in the next chapter.

Suggestions.—It is recommended that a careful study of county government be made by all pupils as a preparation for a clear understanding of state and national government. It is also suggested that pupils be required to examine and discuss the published proceedings of the board of county

commissioners as they appear in the county papers after each regular session of the board. In this way, an interest in public affairs will be aroused, and the study of civil government will be made more practical.

PART II

Levy of Taxes.—All county taxes are levied in specific amounts, and the rate of taxation for each purpose is found by dividing the amount to be raised, by the total valuation of taxable property in the county. The amount to be raised for state purposes is apportioned among the several counties according to the value of the property assessed in each county, but the rate of taxation for general state purposes cannot exceed three mills on a dollar in any one year. In order to show clearly how different items of taxation are determined, the tax for all purposes levied by the board of commissioners for Spokane, Spokane county, is here given.

GENERAL LEVY

STATE

<i>Funds</i>	<i>Mills</i>	<i>By Whom Estimated</i>
General	2.606	State Board of Equalization
School	2.183	“ “ “ “
Military174	“ “ “ “
Highway867	“ “ “ “
Total	5.830	

COUNTY

Current Expenses	3.9	County Commissioners
Interest25	“ “
Soldier05	“ “
Bridge97	“ “
School	3.	“ “
Total	8.17	

CITY		
General Expense	10 $\frac{9}{16}$	City Council
Parks	1 $\frac{1}{4}$	" "
Library	$\frac{7}{16}$	" "
Interest on Bonds	1 $\frac{3}{4}$	" "
	<hr style="width: 10%; margin: 0 auto;"/>	
Total	14	

SCHOOL DISTRICT

District 81 (Spokane)	4 $\frac{1}{2}$	Board of Directors
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Application of Rates.—The rate of taxation for state and county purposes is the same throughout the county. The city levy is for the support of the city government and the payment of indebtedness, including city bonds, and the school levy is for the support of the schools of the district. City taxes apply only to the city for which they are levied, and school taxes vary according to the needs of the several school districts.

County Assessor.—The county assessor has charge of listing the property within his county for purposes of taxation. He is required to fix the value of every piece of property, real and personal, that is subject to taxation in the county. A complete list of all property under appropriate headings is made by him and reported to the county auditor as the basis of tax levies for all purposes. The county assessor may appoint as many deputies as are necessary to enable him to perform the duties of his office satisfactorily. His salary varies according to the work required of him. In the most populous counties, the salary is twenty-two hundred dollars a year and it ranges downward to four dollars a day for the assessors in the sparsely settled counties.

Valuation of Property.—It is a very difficult matter to secure uniformity in the assessment of property for taxation.

One of the most serious evils of the times, throughout this country, is the lack of uniformity found in the levying of taxes. There is only one just way to make such a levy, and that is to cause every dollar's worth of property subject to taxation to pay its proper share of taxes for the support of the government. There is a popular feeling, all over our country, that our tax laws should be so enacted as to insure the proper listing and uniform assessment of all property to be taxed.

Assessment.—The work of the assessor is an important one, and it is often quite difficult to perform to the satisfaction of property owners. Certain property is exempt from taxation by law. The assessor is required to inspect every piece of property subject to taxation, and to determine its value for taxable purposes. Real estate is assessed only in the even-numbered years, but personal property is assessed annually. Real estate includes all land and the permanent improvements erected thereon. Personal property includes horses, cattle, hogs, machinery, grain, real estate mortgages, and, in short, everything else of value, not included under the term real estate.

Exemptions.—In general, the following classes of property are exempt from taxation and are not assessed: The property of the United States and of the state of Washington, including school lands and all property leased to the state; the property of school districts, townships, incorporated towns, cities, and counties, when used exclusively for the benefit of the public and not for profit; the property of literary, scientific, benevolent, agricultural, and religious institutions which is devoted to the appropriate uses of these institutions; the estates of persons who by reason of age or infirmity are unable to contribute to the public revenue; farming utensils, and the tools of any mechanic actually needed and used by him in

earning a livelihood; and government and state lands during the year in which they may have been sold to private parties. The head of each family is allowed an exemption from taxation of personal property to the value of three hundred dollars.

Uniform Assessment.—In order that the property in any county may be assessed uniformly according to its value, the board of county commissioners, the county assessor, and the county treasurer act as a board of equalization. In cities of the first and second classes, the city council appoints a committee of three of its members to act with the county commissioners in the equalization of assessments for such cities.

The county board of equalization meets on the first Monday of August of each year to examine the books of the assessor, and to adjust any irregularities in assessment that may be found necessary. They may order the assessment of any piece of property in the county to be raised or lowered, as seems to them just and proper. If any assessment is to be raised, the owner of the property must be notified, and must be given a hearing before the board, if he so desires. The county auditor is clerk of this board, and he is required to record all changes made by it. When their work is completed, the books of the assessor are delivered to the county auditor, and, from them, he is able to make up the tax list of all property in the county.

County Auditor.—The county auditor is clerk of the board of county commissioners, and it is his duty to record the proceedings of that body and to preserve them in permanent form, in books provided for that purpose. He signs all orders issued by the board for the payment of money from the county treasury, and serves as general accountant for the county. He keeps a record of all births and deaths in the

county. He is required to publish all notices of general elections in his county. At least five days before each election, the county auditor furnishes two poll books for each voting precinct in the county. Immediately after the election, one of these books is forwarded to him from each voting precinct, with the number of votes each candidate received for every office to be filled at that election. From all the poll books thus made out, he makes an abstract of all the votes cast in the county for each candidate and forwards it to the secretary of state.

Bond; Salary.—The bond of the county auditor is fixed by the county commissioners, but it must not be less than three thousand dollars. It is usually much more than that amount. In counties of the first and second classes, the salary of the auditor is twenty-four hundred dollars a year, and in counties of the twenty-ninth class, it is only four hundred dollars. Between these two extremes, the salary is graded, so as to make it a reasonable compensation for the work required.

Recorder.—The county auditor is also the county recorder, or register of deeds. All deeds, mortgages, and assignments of mortgages are filed and recorded in the office of the county auditor. Such record is a notice to the world of the transfer or incumbrance of the property named in the deed or other instrument. A person buying land should be sure that he is acquiring proper title to it. It would be very difficult for a purchaser, even with the aid of the county auditor, to examine the records to see that all the transfers, from the government down, had been properly made. To facilitate the transfer of real estate, private corporations, and individuals in some cases, are engaged in the business of making abstracts of title to land. An abstract of title does not give each instru-

ment in full, but it shows all the important points affecting the property in question. It gives the character of all instruments affecting the title to the land and has them arranged in regular order as they appear on the records. From such an abstract, the purchaser may know whether or not he has a clear title to the property.

Treasurer.—The county treasurer receives all money belonging to the county, and pays it out upon the order of the board of county commissioners. Warrants or orders for the payment of money by the county treasurer are drawn and signed by the county auditor and sealed with the county seal. The treasurer keeps a record of all moneys received and warrants paid, and holds the same, at all times, subject to the inspection of the board of county commissioners. He keeps a separate account of all taxes levied in the county for state, county, school, city, highway, and other purposes.

Taxes.—Taxes levied in any one year become due on the first Monday of February and delinquent on the thirty-first of May following. Interest at the rate of fifteen per cent. per annum is charged on all delinquent taxes, provided that a person whose tax amounts to at least two dollars, may pay one half of his tax before the date of delinquency, and the second half may remain unpaid, without penalty, until the thirtieth day of the following November. Any person who pays his real estate tax in full, at one payment, on or before March fifteenth of the year in which it becomes due, is allowed a reduction of three per cent. from the amount due.

Tax Receipts.—The treasurer makes out and delivers to each taxpayer a receipt, stating the time of payment, the description and assessed value of each parcel of land, the value of all personal property assessed to him, the amount

of each kind of tax, and the interest and costs that have accrued, if any, giving a separate receipt for each year.

Delinquency.—On December first of each year, or at any time thereafter, the county treasurer is authorized to sell delinquency certificates of taxes due on any real estate upon which the taxes have not been paid. These certificates are issued to any one who will pay the taxes and interest due on such property. The certificates bear interest at the rate of fifteen per cent. per annum. At any time after three years from the date of the certificate, a tax deed to the land may be issued by the county treasurer to the owner of the certificate. Certain legal steps must be taken by means of which the owner of the land is given notice of the proposed sale and a chance to redeem the property from taxation, if he choose to do so.

Bond.—The bond of the county treasurer is fixed by the board of county commissioners in a sum equal to twice the amount of money that is likely to come into his hands as treasurer. The bonds of county treasurers vary from fifty thousand dollars in some of the smaller counties, to several hundred thousand dollars in the larger ones.

Salary.—In counties of the first and second classes, the salary of the treasurer is twenty-five hundred dollars a year, while in counties of the twenty-ninth class, it is only three hundred dollars. For the other counties, the salary is graduated according to the work to be done.

PART III

County Clerk.—It is the duty of the county clerk to attend the sessions of the superior court in his county and to keep its records, papers, and official seals. He keeps a book known as the record book, in which are recorded the proceedings

of the court; a judgment docket, in which to keep an abstract of all judgments rendered by the court, with all the explanations necessary; a fee book, in which to enter the costs and fees in each law suit; a journal, in which to keep a daily record of the court proceedings; books for the naturalization of aliens; and such other books of record as are necessary to set forth in detail the transactions of the superior court of the county in civil, criminal, and probate matters. His bond is fixed by the judge or judges of the superior court of the county. Marriage licenses are issued by the county auditor, but the certificate of marriage is filed with the county clerk.

Probate Cases.—The superior court of each county is a court of probate, and, as such, it has charge of the proving of wills of persons deceased, the appointment of administrators, and the settlement of estates. It also has general charge of the appointment of guardians of minors and the care of their property. The keeping of the probate records for each county is part of the work devolving upon the county clerk. Full reports of all the work of his office are required to be made at stated intervals.

Salary.—The salary of the county clerk varies from two hundred and fifty dollars a year, in counties of the twenty-ninth class, to twenty-two hundred dollars, in counties of the first class. In the larger counties, one or more deputies are appointed by the clerk, and each deputy receives such compensation as is fixed by the board of county commissioners.

Sheriff.—The sheriff is the chief police officer of the county, and he has many important duties to perform in connection with the superior court. He, or one of his deputies, has charge of the jail of the county and the custody of all prisoners committed to it. The sheriff and his deputies are conservators of the peace, and, when necessary, they may call upon

private citizens to aid them in keeping and preserving the peace. They are forbidden to purchase, directly or indirectly, any property offered for sale by them under any process of law.

Salary.—As in the case of the other officers of the county, the salary of the sheriff varies according to the class of county in which he resides. In counties of the twenty-ninth class, his salary is three hundred dollars a year, and it is twenty-four hundred dollars a year in counties of the first class. Between these limits the salary is graded to correspond with the work required. The actual traveling expenses of the sheriff are paid out of the general county fund, in addition to the salary fixed by law.

Deputies.—The sheriff of each county is required to appoint one or more deputies for whose official acts he is responsible, and from whom he requires an official bond for the faithful performance of his duties.

County Superintendent.—The county superintendent, who may be of either sex, must at the time of his election have taught in the schools of Washington for two years of nine months each. He must also be the holder of a first grade or higher certificate. His term of office begins on the first Monday of September following his election, and continues for two years, and until his successor is elected and qualified. He may appoint a deputy and employ additional clerical help, as provided by law.

Duties.—The county superintendent has general supervision of the common schools of the county. He sees to the enforcement of school laws, visits the schools in the county, has charge of the examination of teachers, sees that the outline course of study is followed, and assists in all possible ways in the advancement of the best interests of the schools under his charge.

Normal Institute.—The county superintendent holds a normal institute every year for the benefit of teachers and those intending to teach. He also holds such associations of teachers and school officers as may be for the best interests of the schools. In counties having twenty-five school districts, or more, the institute must be five days in length. Attendance of all teachers for the full session of the institute is compulsory. In cities employing more than one hundred teachers, the city superintendent is authorized to hold an annual institute from two to five days in length. The county institute is generally held during the week immediately preceding the beginning of the fall term of school. All examination fees collected by the county or city superintendent are paid into the county treasury for the benefit of the institute fund. An annual allowance, not to exceed two hundred dollars, may be made by the county commissioners for the support of the institute. Two counties may hold a joint institute under certain conditions.

Appeals.—Any person who is aggrieved by any action of a school board may appeal from the board to the county superintendent. The appeal must be made within thirty days after the decision of the local board, and in a manner prescribed by law. The construction of contracts cannot be determined by the county superintendents, but appeals in all such cases must be settled by the courts.

Report.—On the first day of August of each year, the county superintendent must forward to the state superintendent of public instruction a complete summary of the reports sent him by the school district clerks of the county. This report is for the year ending June thirtieth, and it contains much valuable information concerning the schools of the county. It shows the value of school property, the number of school teachers employed, pupils enrolled, persons of

school age, the amount of money expended for the support of the schools, and many other items of interest.

Apportionment in State.—The state superintendent of public instruction is required to apportion to each county of the state, on or before the fifteenth day of September, December, March, and June, of each year, such current state school funds as are, on those dates, in the hands of the state and county treasurers. This apportionment is based upon the total attendance of pupils in the schools of each county, as shown by the report of the county superintendent for the preceding year.

Apportionment in County.—The county superintendent is required to apportion the state and county school funds among the several school districts of the county, within ten days following the receipt of the notice of the amount apportioned to his counties by the state superintendent. It is his duty to notify the county treasurer of the amount apportioned to each district, and a statement of the amount each district is to receive is also sent to the clerk of the district.

Board of Education.—The county board of education of each county in the state of Washington consists of the county superintendent, who is *ex officio* chairman, and four members appointed by him for a term of two years. Each member must be the holder of a valid teachers' certificate in this state. The compensation of the appointive members is five dollars a day and traveling expenses.

Duties.—This board is required to grade the manuscripts of pupils who are examined for grammar school and eighth grade certificates. It also adopts textbooks for use in certain schools of the county, and assists the county superintendent in preparing manuals, courses of study, and rules and regulations for circulating libraries.

PART IV

County Surveyor.—The duties of the county surveyor are very important in locating the boundaries of the different divisions of land as established by government survey. About the first thing done in a new county in its earliest history was the official survey of its land by authority of the United States government. At the time of that survey, a careful record was made of all boundary lines, section corners, and measurements. These records are called field notes of the survey, and they are now used by the county surveyor as the bases of surveys made by him.

Surveys.—He makes all surveys of land in his county, which may be required of him, and his surveys are considered to be correct. He is required to establish the corners of sections and other divisions of land by the aid of trees, or by fixing stones firmly in the earth, or by mounds. Sometimes the original markers of section corners are destroyed, but the field notes of the survey enable the county surveyor to locate the corners by measurements.

Plat.—When requested to do so, he must furnish the person for whom any survey is made, a copy of the field notes and a plat of the survey. The record and plat must show distinctly of what piece of land it is a survey, at whose request it was made, the names of the chainmen, and the date of the survey. The chainmen are the persons who make the measurements by the aid of the surveyor's chain. They must be disinterested persons, approved by the surveyor, and sworn to make just and impartial measurements to the best of their ability.

Pay.—The county surveyor is not paid a fixed salary, but any person employing him pays him fees as required by law. He may charge five dollars a day for each day spent in making the survey, and for the time spent in going to and return-

ing from the place where the survey is made. He is also permitted to charge for a certified copy of the plat of the survey and the field notes belonging thereto.

Coroner.—It is the duty of the county coroner to perform all the duties of the sheriff in any proceedings in any court of record when the sheriff is an interested party. He also acts as sheriff when there is no sheriff, or when, for any reason, that officer is unable to attend to the duties of his office.

Inquest.—The chief duty of the coroner, however, is to hold inquests upon the bodies of those persons who are supposed to have died by unlawful means. Upon receiving notice that such a body has been found in his county, he is required to go at once to the place where the body is, and immediately summon six persons, competent to act as jurors, to determine, if possible, the cause of the death. The coroner may summon witnesses, and both jurors and witnesses are sworn to the faithful performance of the duties devolving upon them. The testimony given at the inquest is reduced to writing and signed by the witnesses. The jurors, having viewed the body, heard the testimony, and made all needful inquiries, return to the coroner, in writing, the result of their investigations. The jury may consist of four or more of the six persons summoned by the coroner for that purpose.

Proceedings after an Inquest.—If it is found, at the inquest, that a crime had been committed on the deceased, from which death resulted, and the evidence is sufficient to justify the jury in naming the guilty person, the coroner proceeds to secure his arrest, if possible, before the proceedings are made public. The body is delivered to the friends of the deceased by the coroner, but when there are no friends and no property, the expenses of the inquest and burial are paid out of the county treasury. If, for any reason, the coroner

is unable to hold an inquest when one is necessary, that duty may be performed by any justice of the peace in the county.

Pay.—The coroner is allowed a fee of ten dollars for each inquest held, one dollar for drawing a jury, and ten cents a mile for the actual distance traveled by him in the discharge of his duties. In some of the larger counties, he is allowed a small salary in addition to the fees of his office. When acting as sheriff, he receives the same pay as that officer for the work done.

Prosecuting Attorney.—The prosecuting attorney acts as the legal adviser of the officers of the county in which he is chosen, and it is also his duty to appear for the state in the prosecution of criminals, and to represent the county in all civil and criminal actions in which either the state or the county is a party. He may appoint one or more deputies, subject to the approval of the board of county commissioners. It is the duty of the prosecuting attorney to examine the records and books of the other county officers and report to the county commissioners any failure on the part of any officer of the county to perform the duties of his office as required by law. The salary of the prosecuting attorney varies from one hundred and fifty dollars a year in the least populous counties to three thousand dollars a year in counties of the first class.

Notary Public.—A notary public is not properly a county officer, although his duties are local in a sense. Notaries public are appointed by the governor, on the application of twenty freeholders of the county in which the appointment is to be made, and the appointment is for the state. Any qualified elector of the state may be appointed a notary public, and the term of office is four years.

General Provisions.—Each notary public is required to file a bond for one thousand dollars, with sureties to be approved by the county clerk of the county in which he re-

sides. The fee for appointment as notary public is ten dollars, which is paid into the special library fund of the state. Each notary public is required to obtain a seal upon which are engraved the words "Notary Public" and "State of Washington," the date his commission will expire, his surname in full, and at least the initials of his given name. He is paid entirely by fees for the work done.

Powers.—A notary public may administer oaths, take the acknowledgment of signatures to deeds, mortgages, wills, and other legal documents, and perform certain other duties of like character. He is required to stamp with his official seal all papers of which he takes acknowledgments. He also certifies concerning signatures in the following manner.

STATE OF WASHINGTON, }
 _____ county. } ss.

I, _____, a notary public in and for said county and state, do hereby certify that on this _____ day of _____, A. D. 19—, personally appeared before me A_____ B_____ and C_____ D_____, to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Witness my hand and official seal, the day and year in this certificate first above written.

(Notary Public Seal.)

E_____ F_____,
 Residing at _____, Washington.

* REVIEW OF COUNTY GOVERNMENT

OFFICER	PRESENT INCUMBENT	HOW CHOSEN	WHEN CHOSEN	TERM	DUTIES	BOND	SALARY
Commissioners							
Assessor							
Auditor							
Treasurer							
County Clerk							
Sheriff							
Superior Judges							
Supt. of Schools							
Surveyor							
Coroner							
Prosecuting Atty.							

* It is recommended that this table be filled out by the pupil for the county in which he resides.

CHAPTER VII

STATE GOVERNMENT; THE CONSTITUTION

Nature of Constitution.—Before discussing the departments of government, it will be well to learn something of the nature of a constitution, as well as the history of the constitution of our own state. The constitution of a state is often called its fundamental law, because all laws passed by the legislature must be based upon it, and no valid law can be passed in violation of its provisions. It is in the nature of a contract between the state government and its people, whereby the powers of the former are defined, and the rights of the latter maintained.

Proposed Constitution of 1878.—As early as 1867, the people of the territory of Washington began to seek the admission of Washington into the Union as a state. Several attempts were made by the legislature of the territory to secure the drafting of a state constitution to be submitted to congress, but it was not until June, 1878, that the first constitutional convention was held. The convention met at Walla Walla, and remained in session about seven weeks. The constitution drafted by this convention was ratified by the people at the next general election, but congress, in 1879, refused to admit the state, so this constitution never went into effect.

Present Constitution.—On February 22, 1889, the enabling act for the organization of Washington as a state was approved

by President Cleveland. This act directed the governor of the territory to call a convention of delegates to draft a new constitution. The same enabling act provided for the admission of North Dakota, South Dakota, and Montana. Members of the constitutional convention were elected in May, and on July 4 the convention met. The session lasted fifty days, and resulted in the drafting of the present constitution of the state of Washington. The constitution was submitted to the people of the territory for adoption or rejection on the first Tuesday in October following. By a vote of nearly four to one, the constitution was ratified by the people, and on November 11, 1889, the state of Washington was admitted into the Union. This constitution, with amendments adopted since then, reads as follows:

STATE CONSTITUTION

PREAMBLE

We, the People of the State of Washington, Grateful to the Supreme Ruler of the Universe for Our Liberties, Do Ordain this Constitution.

ARTICLE I—DECLARATION OF RIGHTS

Section 1. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Sec. 2. The constitution of the United States is the supreme law of the land.

Sec. 3. No person shall be deprived of life, liberty or property without due process of law.

Sec. 4. The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged.

Sec. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

Sec. 6. The mode of administering an oath, or affirmation, shall be
Washington—5

such as may be consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

Sec. 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Sec. 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the legislature.

Sec. 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Sec. 10. Justice in all cases shall be administered openly, and without unnecessary delay.

Sec. 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Sec. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Sec. 13. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it.

Sec. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Sec. 15. No conviction shall work corruption of blood, nor forfeiture of estate.

Sec. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use

without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Sec. 17. There shall be no imprisonment for debt, except in cases of absconding debtors.

Sec. 18. The military shall be in strict subordination to the civil power.

Sec. 19. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Sec. 20. All persons charged with crimes shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Sec. 21. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict of nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Sec. 22. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Sec. 23. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

Sec. 24. The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

Sec. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law.

Sec. 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

Sec. 27. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 28. No hereditary emoluments, privileges or powers shall be granted or conferred in this state.

Sec. 29. The provisions of this constitution are mandatory unless by express words they are declared to be otherwise.

Sec. 30. The enumeration in this constitution of certain rights shall not be construed to deny others retained by the people.

Sec. 31. No standing army shall be kept up by this state in time of peace, and no soldiers shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Sec. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government

ARTICLE II—LEGISLATIVE DEPARTMENT

Section 1. The legislative powers shall be vested in a senate and house of representatives, which shall be called the legislature of the state of Washington.

Sec. 2. The house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one half nor less than one third of the number of members of the house of representatives. The first legislature shall be composed of seventy members of the house of representatives and thirty-five senators.

Sec. 3. The legislature shall provide by law for an enumeration

of the inhabitants of the state in the year one thousand eight hundred and ninety-five, and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

Sec. 4. Members of the house of representatives shall be elected in the year eighteen hundred and eighty-nine, at the time and in the manner provided by this constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

Sec. 5. The next election of the members of the house of representatives after the adoption of this constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter members of the house of representatives shall be elected biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Sec. 6. After the first election the senators shall be elected by single districts of convenient and contiguous territory at the same time and in the same manner as members of the house of representatives are required to be elected, and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this constitution, in odd-numbered districts, shall go out of office at the end of the first year, and the senators elected in the even-numbered districts shall go out of office at the end of the third year.

Sec. 7. No person shall be eligible to the legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

Sec. 8. Each house shall be the judge of the election, returns, and qualifications of its own members, and a majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

Sec. 9. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Sec. 10. Each house shall elect its own officers, and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding vote in case of an equal division of the senate.

Sec. 11. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

Sec. 12. The first legislature shall meet on the first Wednesday after the first Monday in November, A. D. 1889. The second legislature shall meet on the first Wednesday after the first Monday in January, A. D. 1891, and sessions of the legislature will be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days.

Sec. 13. No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Sec. 14. No person, being a member of congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the legislature; and if any person after his election as a member of the legislature shall be elected to congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat: Provided, That officers of the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

Sec. 15. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

Sec. 16. Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session.

Sec. 17. No member of the legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

Sec. 18. The style of the laws of the state shall be: "Be it enacted by the legislature of the state of Washington." And no law shall be enacted except by bill.

Sec. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.

Sec. 20. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

Sec. 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one sixth of the members present.

Sec. 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.

Sec. 23. Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route.

Sec. 24. The legislature shall never authorize any lottery or grant any divorce.

Sec. 25. The legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Sec. 26. The legislature shall direct by law in what manner and in what courts suits may be brought against the state.

Sec. 27. In all elections by the legislature the members shall vote viva voce, and their votes shall be entered on the journal.

Sec. 28. The legislature is prohibited from enacting any private or special law in the following cases:

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads, to aid in the construction of which lands shall have been or may be granted by congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes, or for extending the time of collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village, or to amend the charter thereof.

9. From giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing, in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age, or authorizing any minor to sell, lease or encumber his or her property.

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools

16. Authorizing the adoption of children.

17. For limitation of civil or criminal action.

18. Changing county lines, locating or changing county seats: Provided, This shall not be construed to apply to the creation of new counties.

Sec. 29. After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state.

Sec. 30. The offense of corrupt solicitation of members of the legis-

lature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding — except for perjury in giving such testimony — and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Sec. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the legislature shall otherwise direct by vote of two thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Sec. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the legislature shall prescribe.

Sec. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purpose of this prohibition.

Sec. 34. There shall be established in the office of the secretary of

state, a bureau of statistics, agriculture and immigration, under such regulations as the legislature may provide.

Sec. 35. The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life and deleterious to health; and fix pains and penalties for the enforcement of the same.

Sec. 36. No bill shall be considered in either house unless the time for its introduction shall have been at least ten days before the final adjournment of the legislature, unless the legislature shall otherwise direct by a vote of two thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

Sec. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Sec. 38. No amendment to any bill shall be allowed which shall change the scope or object of the bill.

Sec. 39. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature may pass laws to enforce this provision.

ARTICLE III—THE EXECUTIVE

Section 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, treasurer, auditor, attorney-general, superintendent of public instruction, and a commissioner of public lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the legislature.

Sec. 2. The supreme executive power of this state shall be vested in a governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

Sec. 3. The lieutenant governor, secretary of state, treasurer, auditor, attorney-general, superintendent of public instruction, and commissioner of public lands, shall hold their offices for four years, respectively, and until their successors are elected and qualified.

Sec. 4. The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives at the first meeting of the house thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the legislature in such manner as shall be decided by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election, until otherwise provided by law.

Sec. 5. The governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Sec. 6. He shall communicate at every session by message to the legislature the condition of affairs of the state, and recommend such measures as he shall deem expedient for their action.

Sec. 7. He may, on extraordinary occasions, convene the legislature by proclamation, in which shall be stated the purpose for which the legislature is convened.

Sec. 8. He shall be commander in chief of the military of the state except when they shall be called into the service of the United States.

Sec. 9. The pardoning power shall be vested in the governor under such regulations and restrictions as may be prescribed by law.

Sec. 10. In case of the removal, resignation, death, or disability of the governor, the duties of the office shall devolve upon the lieutenant governor, and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of governor shall devolve upon the secretary of state, who shall act as governor until the disability be removed or a governor be elected.

Sec. 11. The governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the legislature at its next meeting each case of reprieve, com-

mutation, or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

Sec. 12. Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sunday excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law, unless the governor within ten days next after the adjournment, Sunday excepted, shall file such bill, with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor. If any bill presented to the governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects and the reasons therefor and the section or sections, item or items, so objected to shall not take effect unless passed over the governor's objection as hereinbefore provided.

Sec. 13. When, during a recess of the legislature, a vacancy shall happen in any office, the appointment to which is vested in the legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this constitution, the governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Sec. 14. The governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

Sec. 15. All commissions shall issue in the name of the state, shall be signed by the governor, sealed with the seal of the state, and attested by the secretary of state.

Sec. 16. The lieutenant governor shall be presiding officer of the state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

Sec. 17. The secretary of state shall keep a record of the official acts of the legislature and executive department of the state, and shall, when required, lay the same and all other matters relative thereto, before either branch of the legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

Sec. 18. There shall be a seal of the state kept by the secretary of state for official purposes, which shall be called "The Seal of the State of Washington."

Sec. 19. The treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed four thousand dollars per annum.

Sec. 20. The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

Sec. 21. The attorney-general shall be the legal advisor of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed thirty-five hundred dollars per annum.

Sec. 22. The superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an

annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

Sec. 23. The commissioner of public lands shall perform such duties and receive such compensation as the legislature may direct.

Sec. 24. The governor, secretary of state, treasurer, auditor, superintendent of public instruction, commissioner of public lands, and attorney-general shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the governor, secretary of state, treasurer, and auditor shall reside.

Sec. 25. No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the state treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may, in its discretion, abolish the offices of lieutenant governor, auditor, and commissioner of public lands.

ARTICLE IV—THE JUDICIARY

Section 1. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

Sec. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time, and may provide for separate departments of said court.

Sec. 3. The judges of the supreme court shall be elected by the qualified electors of the state at large, at the general state election, at the times and places at which state officers are elected, unless some other time be provided by the legislature. [The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this constitution, and the judges elected thereat shall be classified, by lot, so that two shall hold their office for the term of three years, two for a term of five years, and one for a term of seven years.

The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office.] The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

Sec. 4. The supreme court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars (\$200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state, or any judge thereof.

Sec. 5. There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election: Provided, That until otherwise directed by the legislature [one judge only shall be elected for the counties of Spokane and Stevens, one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas, and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield, and Asotin; one judge for the counties of Kittitas, Yakima, and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz, and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason, and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan, and Clallam; and one judge for the counties of Whatcom, Skagit, and Snohomish]. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein, or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of court, as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders, and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this constitution. If a vacancy occurs in the office of judges of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the

judge so elected shall hold office for the remainder of the unexpired term.

Sec. 6. The superior court shall have original jurisdiction in all cases in equity, and in all cases of law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to a felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage, and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

Sec. 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case.

Sec. 8. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: Provided, That in cases of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.

Sec. 9. Any judge of any court of record, the attorney-general, or

any prosecuting attorney may be removed from office by joint resolution of the legislature, in which three fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses, and on the question of removal the ayes and nays shall also be entered on the journal.

Sec. 10. The legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Sec. 11. The supreme court and the superior court shall be courts of record, and the legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

Sec. 12. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this constitution.

Sec. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the supreme court and judges of the superior courts shall, severally, at stated times during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the state. One half of the salary of each of the superior court judges shall be paid by the state, and the other one half by the county or counties for which he is elected. In cases where a judge is provided for more than one county,

that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

Sec. 14. Each of the judges of the supreme court shall receive an annual salary of four thousand dollars (\$4,000); each of the superior court judges shall receive an annual salary of three thousand dollars (\$3,000), which said salary shall be payable quarterly. The legislature may increase the salaries of the judges herein provided.

Sec. 15. The judges of the supreme court and the judges of the superior court shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

Sec. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Sec. 17. No person shall be eligible to the office of judge of the supreme court or judge of a superior court unless he shall have been admitted to practice in the courts of record of this state or of the territory of Washington.

Sec. 18. The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

Sec. 19. No judge of a court of record shall practice law in any court of this state during his continuance in office.

Sec. 20. Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof: Provided, That if, within said period of ninety days, a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

Sec. 21. The legislature shall provide for the speedy publications of opinions of the supreme court, and all opinions shall be free for publication by any person.

Sec. 22. The judges of the supreme court shall appoint a clerk of that court, who shall be removable at their pleasure, but the legislature may provide for the election of the clerk of the supreme court and prescribe the term of his office. The clerk of the supreme court shall receive such compensation, by salary only, as shall be provided by law.

Sec. 23. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Sec. 24. The judges of the superior courts shall, from time to time, establish uniform rules for the government of the superior courts.

Sec. 25. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court shall, on or before the first day of January in each year, report in writing to the governor such defects and omissions in the laws as they may believe to exist.

Sec. 26. The county clerk shall be, by virtue of his office, clerk of the superior court.

Sec. 27. The style of all processes shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.

Sec. 28. Every judge of the supreme court and every judge of the superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of the state of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

ARTICLE V—IMPEACHMENT

Section 1. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two thirds of the senators elected.

Sec. 2. The governor and other state and judicial officers, except

judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

Sec. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE VI—ELECTIONS AND ELECTIVE RIGHTS

Section 1. [All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections. They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote: Provided, That Indians not taxed shall never be allowed the elective franchise: Provided further, That all male persons who at the time of the adoption of this constitution are qualified electors of the territory shall be electors.]

Sec. 2. The legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

Sec. 3. All idiots, insane persons, and persons convicted of infamous crime, unless restored to their civil rights, are excluded from the elective franchise.

Sec. 4. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

Sec. 5. Voters shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom. No elector shall be

required to do military duty on the day of any election except in time of war or public danger.

Sec. 6. All elections shall be by ballot. The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Sec. 7. The legislature shall enact a registration law, and shall require compliance with such law before any elector shall be allowed to vote: Provided, That this provision is not compulsory upon the legislature, except as to cities and towns having a population of over five hundred inhabitants. In all other cases the legislature may or may not require registration as a pre-requisite to the right to vote, and the same system of registration need not be adopted for both classes.

Sec. 8. The first election of county and district officers, not otherwise provided for in this constitution, shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such offices shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this constitution, after the election held for the adoption of this constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state offices shall be every fourth year thereafter on the Tuesday succeeding the first Monday in November.

ARTICLE VII—REVENUE AND TAXATION

Section 1. All property in the state not exempt under the laws of the United States, or under this constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

Sec. 2. The legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that

every person and corporation shall pay a tax in proportion to the value of his, her, or its property: Provided, That a deduction of debts from credits may be authorized: Provided further, That the property of the United States, and of the state, counties, school districts, and other municipal corporations, and such other property as the legislature may by general laws provide, shall be exempt from taxation.

Sec. 3. The legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

Sec. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

Sec. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

Sec. 6. All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

Sec. 7. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the legislature may provide.

Sec. 8. Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Sec. 9. The legislature may vest the corporate authorities of cities, towns, and villages with the power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

ARTICLE VIII—STATE, COUNTY, AND MUNICIPAL INDEBTEDNESS

Section 1. The state may, to meet casual deficits or failures in revenues or for expenses not provided for, contract debts, but such debts,

direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars (\$400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debts so contracted, and to no other purpose whatever.

Sec. 2. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and no other purpose whatever.

Sec. 3. Except the debts specified in sections one and two of this article, no debt shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state, for three months next preceding the election at which it is submitted to the people.

Sec. 4. No money shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Sec. 5. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, company, or corporation.

Sec. 6. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one half per centum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town: school district, or other municipal purposes: Provided further, That any city or town with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.

Sec. 7. No county, city, town, or other municipal corporation shall hereafter give any money or property or loan its money or credit, to or in aid of any individual, association, company, or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation.

ARTICLE IX—EDUCATION

Section 1. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

Sec. 2. The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools, shall be exclusively applied to the support of the common schools.

Sec. 3. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state to public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, and other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals, or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of Congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been and hereafter may be, granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund. The interest accruing on said fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

Sec. 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Sec. 5. All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement, or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than 6 per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this constitution.

ARTICLE X—MILITIA

Section 1. All able-bodied male citizens of this state, between the ages of eighteen (18) and forty-five (45) years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

Sec. 2. The legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct, and shall be commissioned by the governor. The governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions.

Sec. 3. The legislature shall provide by law for the maintenance of the soldiers' home for honorably discharged Union soldiers, sailors, marines, and members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state.

Sec. 4. The legislature shall provide by law for the protection and safe keeping of the public arms.

Sec. 5. The militia shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the attendance at musters and elections of officers, and in going to and returning from the same.

Sec. 6. No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: Provided, Such person or persons shall pay an equivalent for such exemption.

ARTICLE XI—COUNTY, CITY, AND TOWNSHIP
ORGANIZATION

Section 1. The several counties of the territory of Washington, existing at the time of the adoption of this constitution, are hereby recognized as legal subdivisions of this state.

Sec. 2. No county seat shall be removed unless three fifths of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and three fifths of all votes

cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

Sec. 3. No new county shall be established which shall reduce any county to a population of less than four thousand (4,000), nor shall a new county be formed containing a less population than two thousand (2,000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor, and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with any debt or liability then existing, incurred in the purchase of any county property or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: Provided further, That this shall not be construed to affect the rights of creditors.

Sec. 4. The legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization, the assessment and collection of revenue shall be made, and the business of such county, and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

Sec. 5. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township, or precinct and district officers, as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

Sec. 6. The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct, or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

Sec. 7. No county officer shall be eligible to hold his office more than two terms in succession.

Sec. 8. The legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of 5,000 and upward; except that public administrators, surveyors, and coroners may or may not be salaried officers. The salary of any county, city, town, or municipal officer shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Sec. 9. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

Sec. 10. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution, shall be subject to and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified

electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Sec. 11. Any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.

Sec. 12. The legislature shall have no power to impose taxes upon counties, cities, towns, or other municipal corporations, or the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

Sec. 13. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

Sec. 14. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Sec. 15. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately

be deposited with the treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.

ARTICLE XII—CORPORATIONS OTHER THAN MUNICIPAL

Section 1. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended, or repealed by the legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited, or restrained by law.

Sec. 2. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this constitution, shall thereafter have no validity.

Sec. 3. The legislature shall not extend any franchise or charter, or permit the forfeiture of any franchise or charter of any corporation now existing or which shall hereafter exist under the laws of this state.

Sec. 4. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock, and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

Sec. 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Sec. 6. Corporations shall not issue stock, except to bona fide subscribers therefor; or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously

given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Sec. 7. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Sec. 8. No corporation shall lease or alienate any franchise, so as to release the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

Sec. 9. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in, the stock of any company, association, or corporation.

Sec. 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

Sec. 11. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Sec. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

Sec. 13. All railroad, canal, and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of the state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross, or connect with any other railroad, and

when such railroads are of the same or similar gauge they shall, at all crossings and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections, so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

Sec. 14. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Sec. 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within the state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction to any more distant station, port, or landing. Excursions and commutation tickets may be issued at special rates.

Sec. 16. No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a competing line.

Sec. 17. The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

Sec. 18. The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses, and to prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Sec. 19. Any association or corporation, or the lessees or managers

thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights-of-way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material, or for repairing their lines, not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

Sec. 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the legislature, or to any person holding any public office within this state. The legislature shall pass laws to carry this provision into effect.

Sec. 21. Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state, transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges, or rates for transportation of men or materials or property carried by them, or for doing the business of such express companies, not allowed to all express companies.

Sec. 22. Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever, for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The

legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their charter.

ARTICLE XIII—STATE INSTITUTIONS

Section 1. Educational, reformatory, and penal institutions; those for the benefit of blind, deaf, dumb, or otherwise defective youth, for the insane and idiotic, and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by the ayes and nays, and entered upon the journal.

ARTICLE XIV—SEAT OF GOVERNMENT

Section 1. The legislature shall have no power to change or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the territory, at the election to be held for the adoption of this constitution. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the legislature shall, at its first regular session after the adoption of this constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: Provided, That until the seat of

government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

Sec. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the legislature.

Sec. 3. The legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capitol in pursuance of law.

ARTICLE XV—HARBORS AND TIDE WATERS

Section 1. The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays, and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. The state shall never give, sell, or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than 600 feet of such harbor line (as the commissioners shall determine) be sold or granted by the state, not its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

Sec. 2. The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks, and other structures upon the areas mentioned in section 1 of this article, but no lease shall be made for any term longer than thirty years, or the legislature may provide by general laws for the building and maintaining upon such area, wharves, docks, and other structures.

Sec. 3. Municipal corporations shall have the right to extend their

streets over intervening tide lands to and across the area reserved as herein provided.

ARTICLE XVI—SCHOOL AND GRANTED LANDS

Section 1. All the public lands granted to the state are held in trust for all the people, and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Sec. 2. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder. The value thereof, less the improvements, shall, before the sale, be appraised by a board of appraisers, to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of said lands for disposal, the value of the improvements thereon shall be excluded: Provided, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the legislature.

Sec. 3. No more than one fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one half prior to January 1, 1905: Provided, That nothing herein shall be so construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: And provided further, That no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

Sec. 4. No more than one hundred and sixty (160) acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city, or within two miles of the boundary of any incorporated city, where the valuation of such

lands shall be found by appraisalment to exceed one hundred dollars (\$100) per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

Sec. 5. None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, or municipal bonds.

ARTICLE XVII—TIDE LANDS

Section 1. The state of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: Provided, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

Sec. 2. The state of Washington disclaims all title in and claim to all tide, swamp, and overflowed lands patented by the United States: Provided, The same is not impeached for fraud.

ARTICLE XVIII—STATE SEAL

Section 1. The seal of the state of Washington shall be a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889."

ARTICLE XIX—EXEMPTIONS

Section 1. The legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

ARTICLE XX—PUBLIC HEALTH AND VITAL STATISTICS

Section 1. There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the legislature may direct.

Sec. 2. The legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

ARTICLE XXI—WATER AND WATER RIGHTS

Section 1. The use of the waters of the state for irrigation, mining, and manufacturing purposes shall be deemed a public use.

ARTICLE XXII—LEGISLATIVE APPORTIONMENT

[This article has been superseded by statute. At present there are forty-two senators. Laws of 1901, p. 79, provide for ninety-four representatives, but the creation of Benton county since adds one more representative and Grant county another, making the total ninety-six. See laws 1909, p. 186.]

ARTICLE XXIII—AMENDMENTS

Section 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and if the same shall be agreed to by two thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election, and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the governor: Provided: That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding election, in some weekly newspaper in every county where a newspaper is published throughout the state.

Sec. 2. Whenever two thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at the next session, provide by law for calling the same; and such convention shall consist of a number of members not less than that of the more numerous branch of the legislature.

Sec. 3. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE XXIV—BOUNDARIES

Section 1. The boundaries of the state of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river; thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river; thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equi-distant between Bonilla point on Vancouver's Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league off shore, to place of beginning.

ARTICLE XXV—JURISDICTION

Section 1. The consent of the state of Washington is hereby given to the exercise, by the congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses, and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the constitution of the United States, so long as the same

shall be so held and reserved by the United States: Provided, That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents, or other evidences in writing of the title of the United States: And provided, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservation, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein had not been made.

ARTICLE XXVI—COMPACT WITH THE UNITED STATES

The following ordinance shall be irrevocable without the consent of the United States and the people of this state:

First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second: That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that, until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States, and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for use: Provided, That nothing in this ordinance shall preclude the state from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relation, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting

the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.

Third: The debts and liabilities of the territory of Washington, and payment of the same, are hereby assumed by this state.

Fourth: Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control, which shall be open to all the children of said state.

ARTICLE XXVII—SCHEDULE

In order that no inconvenience may arise by reason of a change from territorial to a state government, it is hereby declared and ordained as follows:

Section 1. No existing rights, actions, suits, proceedings, contracts, or claims shall be affected by a change in the form of government, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

Sec. 2. All laws now in force in the territory of Washington, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature: Provided, That this section shall not be so construed as to validate any act of the legislature of Washington territory granting shore or tide lands to any person, company, or any municipal or private corporation.

Sec. 3. All debts, fines, penalties, and forfeitures, which have accrued, or may hereafter accrue, to the territory of Washington, shall inure to the state of Washington.

Sec. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state, and all bonds executed to the territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be used for and recovered accordingly, and all the estate, real, personal, and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts,

of whatever description, belonging to the territory of Washington, shall inure to and vest in the state of Washington, and may be sued for and recovered in the same manner, and to the same extent by the state of Washington, as the same could have been by the territory of Washington.

Sec. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the territory of Washington, before the change from a territorial to state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Washington, at the time of the change from a territorial to a state government, shall be continued and transferred to the court of the state having jurisdiction of the subject matter thereof.

Sec. 6. All officers now holding their office under the authority of the United States, or of the territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

Sec. 7. All officers provided for in this constitution, including a county clerk for each county, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this constitution on the first Tuesday of October, 1889.

Sec. 8. Whenever the judge of the superior court of any county, elected or appointed under the provisions of this constitution, shall have qualified, the several causes then pending in the district court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States district court, had such court existed at the time of the commencement of such causes within such county, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and

records to transmit to the clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties, together with a transcript of so much of the records of said district court as relate to the same; and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the supreme court of the state shall have been elected and qualified, the causes then pending in the supreme court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States circuit court, had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this constitution had not been adopted.

Sec. 9. Until otherwise provided by law, the seal now in use in the supreme court of the territory shall be the seal of the supreme court of the state. The seals of the superior courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington, with the words: "Seal of the Superior Court of County," surrounding the vignette. The seal of municipalities, and all county officers of the territory, shall be the seals of such municipalities and county officers, respectively, under the state, until otherwise provided by law.

Sec. 10. When the state is admitted into the Union, and the superior courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the superior court of the same county created by this constitution, and the said court shall proceed to final judgment or decree, order or other determination, in the several matters and causes as the territorial probate court might have done if this constitution had not been adopted. And until the

expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory. The superior courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

Sec. 11. The legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this constitution, and fix the time for commencement and duration of their term.

Sec. 12. In case of a contest of election between candidates, at the first general election under this constitution, for judges of the superior courts, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the secretary of state; and said officer, together with the governor and treasurer of state, shall review the evidence and determine who is entitled to the certificate of election.

Sec. 13. One representative in the congress of the United States shall be elected from the state at large, at the first election provided for in this constitution; and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in congress, at the first election, shall be canvassed and the result determined in the manner provided for by the laws of the territory for the canvass of the vote for delegate in congress.

Sec. 14. All district, county, and precinct officers, who may be in office at the time of the adoption of this constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this constitution; and the official bond of all such officers shall continue in full force and effect as though this constitution had not been adopted. And such officers shall continue to receive the compensation now provided until the same is changed by law.

Sec. 15. The election held at the time of the adoption of this constitution shall be held and conducted in all respects according to the laws of the territory, and the votes cast at said election for all officers (where no other provisions are made in this constitution), and for the adoption

of this constitution and the several separate articles, and the location of the state capitol, shall be canvassed and returned in the several counties in the manner provided by territorial law, and shall be returned to the secretary of the territory in the manner provided by the enabling act.

Sec. 16. The provisions of this constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the state of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

Sec. 17. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this constitution: Separate article No. 1: "All persons, male and female of the age of 21 years, or over, possessing the other qualifications provided by this constitution, shall be entitled to vote at all elections." Separate article No. 2: "It shall not be lawful for any individual, company, or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or, to sell or offer for sale, or in any manner dispose of any alcoholic, malt, or spirituous liquors, except for medicinal, sacramental or scientific purposes." If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate articles so receiving a majority shall become a part of this constitution and shall govern and control any provision of the constitution in conflict therewith.

Sec. 18. The form of ballot to be used in voting for or against this constitution, or for or against the separate articles, or for the permanent location of the government, shall be:

1. For the Constitution.
Against the Constitution.
2. For Woman Suffrage Article.
Against Woman Suffrage Article.
3. For Prohibition Article.
Against Prohibition Article.
4. For the permanent location of the seat of government. (Name of place voted for.)

Sec. 19. The Legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this constitution not provided for by the enabling act of congress.

CERTIFICATE

We, the undersigned, members of the convention to form a constitution for the state of Washington, which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August, anno domini, one thousand eight hundred and eighty-nine.

JOHN P. HOYT, President,
 J. J. BROWNE,
 N. G. BLALOCK,
 JOHN F. GOWEY,
 FRANK M. DALLAM,
 JAMES Z. MOORE,
 E. H. SULLIVAN,
 GEORGE TURNER,
 AUSTIN MIERS,
 M. M. GODMAN,
 GWIN HICKS,
 WM. F. PROSSER,
 LOUIS SOHNS,
 A. A. LINDSLEY,
 J. J. WEISENBURGER,
 P. C. SULLIVAN,
 R. S. MORE,
 THOMAS T. MINOR,
 J. J. TRAVIS,
 ARNOLD J. WEST,
 CHARLES T. FAY,
 CHARLES P. COEY,
 ROB'T F. STURDEVANT,
 JOHN A. SHOUDY,
 ALLEN WEIR,

FRANCIS HENRY,
 GEORGE COMEGYS,
 OLIVER H. JOY,
 DAVID E. DURIE,
 D. BUCHANAN,
 JOHN R. KINNEAR,
 GEORGE W. TIBBETTS,
 H. W. FAIRWEATHER,
 THOMAS C. GRIFFITHS,
 C. H. WARNER,
 J. P. T. McCROSKEY,
 S. G. COSGROVE,
 THOS. HAYTON,
 SAM'L H. BERRY,
 D. J. CROWLEY,
 J. T. McDONALD,
 JOHN M. REED,
 EDWARD ELDRIDGE,
 GEO. H. STEVENSON,
 SILVIUS A. DICKEY,
 HENRY WINSOR,
 THEODORE L. STILES,
 JAMES A. BURK,
 JOHN McREAVY,
 R. O. DUNBAR,

W. B. GRAY,
 TRUSTEN P. DYER,
 GEO. H. JONES,
 B. L. SHARPSTEIN,
 H. M. LILLIS,
 J. F. VAN NAME,
 ALBERT SCHOOLEY,
 H. C. WILLISON,
 T. M. REED,
 S. H. MANLY,
 RICHARD JEFFS,

MORGAN MORGANS,
 JAMES POWER,
 B. B. GLASCOCK,
 O. A. BOWEN,
 HARRISON CLOTHIER,
 MATT C. McELROY,
 J. T. ESHELMAN,
 ROBERT JAMESON,
 HIRAM E. ALLEN,
 H. F. SUKSDORF,
 J. C. KELLOGG,

Attest:

JNO. I. BOOGE, Chief Clerk.

CONSTITUTIONAL AMENDMENTS

AMENDMENT 1

Art. 16. Sec. 5. Investment of School Fund.—None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal, or school district bonds.

Adopted November, 1894.

AMENDMENT 2

Art. 6. Sec. 1. Qualifications of Voters.—All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward, or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not affect the right of franchise of any person who is now a qualified elector of this state. The legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English

language, and providing for punishment of persons voting or registering in violation of the provisions of this section.

Approved November, 1896.

AMENDMENT 3

Art. 7, Sec. 2, was amended by adding the following proviso: "And provided further, That the legislature shall have power, by appropriate legislation, to exempt personal property to the amount of \$300 for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner."

Approved November, 1900.

AMENDMENT 4

Art. 1. Sec. 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or be disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or support of any religious establishment. Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for the state penitentiary, and for such of the state reformatories as in the discretion of the legislature may seem justified. No religious qualifications shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Approved November, 1904.

AMENDMENT 5

Art. 6, Sec. 1. Qualification of Voters. This amendment extends the right of suffrage to women by striking out the word *male* from Art. 6, Sec. 1, of the constitution. (See Amendment 2, page 114.)

Approved November, 1910.

CHAPTER VIII

ARTICLE I. ANALYSIS OF THE CONSTITUTION

Preamble.—The constitution of the United States, and also that of every state in the Union, has an introduction, or preamble, as it is called. The preamble is the “enacting clause” of the constitution, and it is also designed to show the reason for its establishment. The preamble to the constitution of Washington is as follows: “We, the People of the State of Washington, Grateful to the Supreme Ruler of the Universe for Our Liberties, Do Ordain this Constitution.”

ARTICLE I. BILL OF RIGHTS

Political Power.—Section *one* of the first article of the constitution defines the civil rights of the people of the state. It declares that all political powers are inherent in the people, and that governments derive their just powers from the consent of the governed. The purpose of government is to protect and maintain the rights of the people. The essence of all free government is contained in the immortal words of Abraham Lincoln, “A government of the people, by the people, and for the people.”

Supreme Law.—Section *two* declares the constitution of the United States to be the supreme law of the land. The adoption of this section was required by the enabling act passed by congress for the admission of the state. Its purpose is to show that, in its application to the states, the constitution of the United States is the highest law of the land.

Personal Rights.—Section *three* asserts that no person shall be deprived of life, liberty, or property without due process of law. This is but an echo of the declaration of independence, and it shows how lasting have been the results of that struggle for independence during the dark days of the American revolution.

Petition.—By the next section, the right of petition and also the right of the people peaceably to assemble for the common good are assured. The English colonists claimed both of these privileges, from time to time, and the refusal of the king to listen to their petitions had much to do with the revolt of the colonies.

Freedom of Speech.—Section *five* gives every person the right to speak, write, and publish his sentiments on any and all subjects, being responsible for the abuse of that right. No law can be passed to restrict liberty of speech or of the press, but any person is liable to prosecution for the abuse of this right. In all prosecutions for libel, if it can be proved that the matter charged as libelous is true, the person accused must be acquitted. Article *one* of amendments to the constitution of the United States protects the same freedom of speech and of the press against any interference by congress.

Oaths.—The next section is intended to make the taking of an oath, or affirmation, consistent with and binding upon the conscience of the person taking it. Some persons, on account of their religious belief, object to taking an oath as administered in the usual legal form. Such persons are permitted to make an affirmation in giving testimony in court.

Private Affairs.—Section *seven* secures, to each individual, freedom from disturbance in his private affairs, except in a manner prescribed by law. The same thing applies to the

invasion of the home. The rights here guaranteed are of the greatest importance to a free people.

Prohibition.—Section *eight* prohibits the legislature from granting irrevocably any privilege, franchise, or immunity. In these days of great corporations, if a privilege, franchise, or immunity could be obtained from the legislature, to be in force for all time to come, the temptation to secure such privileges would be very great, and the methods employed might be very questionable. The prohibition contained in this section is a wise one.

Criminal Cases.—By the provisions of section *nine*, no person accused of crime shall be compelled to give evidence against himself. This does not prevent him from testifying in his own behalf, if he chooses to do so. The section also provides that no accused person shall be twice put in jeopardy (of life or limb) for the same offense.

Justice.—In colonial days, persons accused of crime, or arrested merely on suspicion, were sometimes seized and kept in prison for months before they were given a trial. Sometimes the charges against them were made secretly, and they were the victims of great injustice. Section *ten* of the constitution guarantees, in all cases, that justice shall be administered openly and speedily.

Religious Liberty.—Section *eleven* secures to the inhabitants of this state full religious liberty, and no one is to be disturbed in person or property on account of his religious views. It prohibits the use of public money or property for any religious purpose. It also forbids the requirement of any religious test as a qualification for office or for a position of trust. It is intended that no person shall be deprived of any rights or privileges on account of his opinions on religious matters. This is in accordance with the spirit of the consti-

tution of the United States, upon which the state constitution is based. This section further provides that no person shall be incompetent as a witness or juror on account of his religious belief. (See amendment 4 to state constitution.)

Laws Uniform.—By section *twelve*, the legislature is forbidden to pass any law granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which shall not apply to all other persons, under the same circumstances. All laws of a general nature must be uniform in their operation. It is a fundamental principle of all free government that there shall be no privileged classes.

Habeas Corpus.—Section *thirteen* secures to all the right of a writ of *habeas corpus*, when application is made according to law. This right can be suspended and the writ refused, only in case of rebellion or invasion, or when the public safety may require it. The writ of *habeas corpus* has been called "The great writ of personal liberty." This writ is issued by a judge of the court having jurisdiction over the crime, and cannot be refused when proper application is made by the accused under oath, unless, in case of rebellion or invasion, the public safety may require it. The writ had its origin in England in the "Magna Charta," granted by King John, in the year 1215. Our forefathers esteemed this one of their grandest privileges, and it has always been recognized as an inherent right of all citizens of the United States.

Excessive Bail.—Section *fourteen* provides that any bail required shall not be excessive; that is, not out of proportion to the nature of the crime for which it is taken. The imposing of excessive fines and the inflicting of cruel and unusual punishments are expressly forbidden.

Corruption of Blood.—Section *fifteen* declares that no conviction shall work corruption of blood, or forfeiture of estate. The necessity for such a section is not clear to us, perhaps, unless we remember that in England a few centuries ago, conviction for certain offenses, such as treason, had very serious effects. As a matter of course, the convicted person's estate was seized for the crown, his blood was declared attainted, or corrupted, and his heirs were not permitted to inherit any part of his property.

Property Condemned.—The next section secures to the people an important right. By its provisions, private property cannot be taken for the use of the public without just compensation to the owner. The damages resulting from the appropriation of private property for public purposes, must be assessed by a jury, but no benefit that the owner of the property would receive from the improvements for which it is taken, can be considered in rendering the decision for damages. Every one is entitled to the use of his property to the exclusion of all other private citizens, but sometimes it becomes necessary to sacrifice private rights for the public good.

Imprisonment for Debt.—Imprisonment for debt, except in the case of absconding debtors, is prohibited by the seventeenth section. So long as the English common law was in force in this country, imprisonment for debt was common, but now it is usually forbidden by constitution or statute in all the states. If the action of the debtor is such that it is reasonable to suppose that he intends to avoid the payment of his debts by concealing his property, or removing it from the state, the provisions of this section will not apply.

Military.—Section *eighteen* places the military subordinate to the civil power. Most of the states provide that no stand-

ing army shall be kept up in the state, in time of peace, and that no appropriation for a standing army, in time of war, shall be for a longer period than two years.

Suffrage.—The perpetuity of a government by the people depends upon a free and equal election, and the right of each elector to cast his ballot without interference from any source, either civil or military. These rights are secured to the voters of this state by section *nineteen*.

Bail.—A person charged with the perpetration of a minor crime is entitled to his liberty before conviction, upon giving bonds, signed by responsible parties, that he will present himself for trial at the appointed time. Such bonds are called bail, and are usually of twice the amount of the money penalty, or fine, that can be attached to the crime. The right to furnish bail is prescribed by section *twenty*.

Forfeiture.—If the person thus set at liberty fails to appear for trial, the amount of the bond, or so much thereof as may be demanded by the court, is forfeited to the state. Bail is not usually accepted from persons accused of having committed capital crimes, when the proof is evident, or the presumption of guilt is great. A capital offense is one to which the death penalty may be attached.

Trial by Jury.—Section *twenty-one* provides for maintaining inviolate the right of trial by jury. The legislature may provide for a jury of any number less than twelve, in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving the right to trial by jury in civil cases, by consent of the parties interested. In accordance with the provisions of this section, the legislature has passed laws providing for a jury of six persons in justice courts.

Defense; Appeal.—Section *twenty-two* refers to the method

of procedure in criminal cases. It is based upon the assumption that a person accused of crime is considered innocent until he has been proved guilty. The person accused has the right to appear and defend in person and by counsel, to be fully informed as to the nature of the charge against him, to testify in his own behalf, and to meet the witnesses against him face to face. The witnesses in his favor may be compelled to attend the trial, which must be held in the county in which the offense was committed. The case must be tried by an impartial jury, and the accused has the right to appeal in all cases, if he is not satisfied with the verdict rendered. To carry out the principle involved in this section, no person accused of crime can lawfully be compelled, before final judgment, to advance money or fees to secure the rights guaranteed by this section.

Bill of Attainder.—The language of section *twenty-three* is as follows:—“No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.” A bill of attainder is a legislative act inflicting the penalty of death, without trial, upon persons supposed to be guilty of high crimes. In former times, the parliament of Great Britain passed laws of this kind, often for the purpose of reaching persons in high places who could not be gotten rid of by ordinary process of law.

Ex Post Facto Law.—An ex post facto law is one that is passed after the commission of an act, by which the act is made punishable as a crime. Ex post facto laws apply to criminal and penal statutes. The necessity for prohibiting the passage of laws to impair the obligation of contracts is obvious. Without such a provision, a designing legislature might overthrow our entire commercial fabric.

Personal Defense.—Section *twenty-four* secures to each

individual the right to bear arms in defense of himself or the state, but it forbids individuals or corporations to organize, maintain, or employ a body of armed men. In every sense, the military is to be kept subordinate to the civil power.

Information.—The next two sections may very properly be considered together. Section *twenty-five* provides for prosecution by information as well as by indictment in a manner prescribed by law.

Grand Jury.—In nearly all the older states, in all important criminal matters, a person accused of crime must be indicted before he can be tried. While this plan seems to insure greater fairness in criminal procedure, it is expensive, and often very unsatisfactory. Section *twenty-six* leaves it to the discretion of the judge of the superior court of each county as to whether a grand jury shall be summoned or not. Most criminal cases, in this state, are now begun by information rather than by indictment.

Treason.—Section *twenty-seven* defines treason against the state to consist in levying war against it, adhering to its enemies, or giving them aid or comfort. This is virtually the definition of treason contained in the constitution of the United States. It is also provided that no person shall be convicted of treason, except upon the evidence of two witnesses to the same overt act, or upon confession in open court.

Prohibitions.—By section *twenty-eight*, the state is prohibited from granting or conferring any hereditary emoluments, privileges, or powers upon any one. The student of history who is familiar with the troubles between the American colonies and England just before the Revolution, will find in the bill of rights of our state constitution a declaration of many of the rights for which our forefathers contended in those far-off days. The prohibitions of this section are to

prevent the establishment of anything like an aristocracy based upon hereditary honors, favors, or privileges.

Constitution Mandatory.—Section *twenty-nine* sets forth, in no uncertain manner, the force that the constitution shall have with the people of this state. Its language is as follows: "The provisions of this constitution are mandatory, unless by express words they are declared to be otherwise."

Rights Reserved.—It was clearly the purpose of the founders of our state constitution to safeguard all the rights that should be enjoyed by a free people. For fear that some of these rights had been omitted in the preceding sections, it is provided in section *thirty* that the enumeration in the constitution of certain rights shall not be construed to deny others retained by the people. Liberty, civil and religious, is insured to all people within the borders of the state, and, as if this were not enough, any other privileges that may be enjoyed, are reserved to the people. Surely our government rests on a foundation broad and deep.

Military.—Section *thirty-one* serves still more fully to show the supremacy of the civil over the military power of the state. It declares that no standing army shall be kept up in the state in time of peace, nor shall any soldier, in time of peace, be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Reminder.—The closing section of the bill of rights is very appropriate. It says, "A frequent recurrence to fundamental principles is essential to the security of individual right, and the perpetuity of free government." Every citizen should make a careful study of the bill of rights. This will lead to a better understanding of his rights as a citizen, and to a higher appreciation of the privileges he enjoys as a resident of the great state of Washington.

CHAPTER IX

ARTICLE II. LEGISLATIVE DEPARTMENT

PART I

Branches of Government.—Government, both state and national, is separated into three branches:—legislative, executive, and judicial. It is intended that each branch shall



The Temporary State Capitol

be independent of the others, but this is not always possible. Every state in the Union has a constitution which provides for these three branches of government, and defines the powers

of each. The legislative branch is called the law-making power; the executive branch, the law-enforcing power; and the judicial branch, the law-interpreting power. Each branch of the government has its chief office or meeting place at the state capital, Olympia.

Legislative Branch.—The law-making branch of government in Washington is called the state legislature, and it consists of a senate and a house of representatives. The style, or heading, of every law passed by the legislature is: "Be it enacted by the Legislature of the State of Washington." The sessions are biennial and are designated by number. The session held in 1911 is the twelfth regular session of the legislature; that in 1913, the thirteenth; that in 1915, the fourteenth, and so on.

HOUSE OF REPRESENTATIVES

Qualifications.—The house of representatives, or lower house, as it is sometimes called, is composed of members chosen every second year by the qualified electors of their respective districts. No person is eligible to election as a member of either house of the legislature who is not a citizen of the United States and a qualified voter in the district for which he is chosen.

Number of Members.—The constitution provides that the house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The first legislature of the state was composed of thirty-five senators and seventy representatives. The membership of the legislature in 1911 consisted of forty-two senators and ninety-six representatives. Pend Oreille county will be entitled to one representative in 1913, thus increasing the number of representatives to ninety-seven. As the state

becomes more thickly settled, the membership of both houses will doubtless be increased until the constitutional limit has been reached. There are now sixty representative districts in Washington, several of which elect two or more representatives each. (See table on page 139.)

Census.—The constitution provides for an enumeration of the people once in ten years. The first census was taken by the state in 1895. As the general government takes a census of all the people of the nation in the last year of each regular decade, there is an enumeration of the people of this state once in five years. After each census, the legislature is required to redistrict the state and apportion the members of the senate and house of representatives according to the population; but in making such an apportionment, Indians not taxed, soldiers, sailors, and officers of the United States army and navy are not to be included.

Election.—Members of the house of representatives of the first legislature were chosen in the year 1889, for the term of one year. Since that time, the election of representatives has been held on the Tuesday next after the first Monday in November of each even-numbered year. This corresponds with the date for the choosing of presidential electors every fourth year. In some of the states, meetings of the legislature are held every year, and the members in such instances are elected annually.

Citizenship.—The term citizen is often improperly restricted to those who have the right to vote. Many voters in the United States are not citizens, and, in all the states, many citizens are not voters. Each state constitution prescribes the qualifications of voters within that state. The fourteenth amendment to the constitution of the United States says: "All persons born or naturalized in the United

States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." In some states, foreigners acquire the right to vote at all state elections on taking out their first papers of naturalization. That is not the case in Washington, however. Here a person of foreign birth must have completed the process of naturalization before voting at any election.

THE SENATE

Membership.—The senate is composed of members chosen by the qualified voters of the several senatorial districts. The constitution provides that the number of senators shall not be more than one half nor less than one third the number of members of the house of representatives. The senate in 1911 was composed of forty-two members. In some of the other states, the senate is a much smaller body than in Washington. In all of the states, the senate has fewer members than the house of representatives. In Washington, the senatorial term is four years.

Senatorial Districts.—The state is divided into forty-two senatorial districts, and each district elects one member of the state senate. There is no fixed ratio of representation for senatorial districts, but the intention is to form the districts so that each senator shall represent about twice as many inhabitants as a state representative does. On account of the difference in the distribution of population throughout the state, it has been found necessary to combine two or more counties to form one senatorial district in some instances, and, in others, a single county is divided into several districts.

Classes.—The constitution provides that the senatorial districts of the state shall be numbered consecutively. After the first election under this constitution, the term of office

of those senators chosen from the odd-numbered districts expired at the end of the first year, and those from the even-numbered districts, at the end of the third year. The successors of members of both classes were chosen for the full senatorial term. By this plan, one half of the members of the senate, at any regular session, are hold-overs. Senators from the odd-numbered districts are chosen in 1910, 1914, and so on; and those from the even-numbered districts, in 1912, 1916, and so on.

Powers.—The senate is coördinate with the house in all general legislation. The impeachment of all state officers rests with the house of representatives, but the trial of those impeached is conducted by the senate. When acting as a court in such cases, the senators are placed under oath to decide the case on its merits. No person can be convicted upon impeachment without the concurrence of two thirds of all the senators elected.

Impeachment.—Article V of the constitution provides that the governor, judges of the supreme and superior courts, and other state officers are liable to impeachment for any misdemeanor or malfeasance in office. Judgments in such cases extend only to removal from office, and disqualification to hold any position of honor, trust, or profit under the state. The decision of the senate does not prevent the offender from being indicted, tried, and punished according to the laws which govern the punishment of the crime of which he is accused.

BOTH HOUSES

Sessions.—The regular sessions of the legislature are held once in two years, at the seat of government, commencing on the second Monday in January, of each odd-numbered year.

The length of each session cannot exceed sixty days. The governor may, in case of necessity, convene the legislature by proclamation to meet in special session. The purpose of the meeting must be stated in the proclamation.

Eligibility.—No person is eligible to a seat in either house of the legislature who is not a citizen of the United States and a qualified elector in the district for which he is chosen. In several of the states, the qualifications of senators are higher than those required of representatives. No distinction in qualifications is made in this state.

Officers.—The lieutenant governor is *ex officio* presiding officer of the senate, and he acts in this capacity during the term for which he is elected. He is not a member of the senate, however. In his absence, or when he is acting as governor, the senate chooses one of its members to serve as temporary president. The presiding officer of the house of representatives, called the speaker, is chosen from among its own members. Each house elects such subordinate officers as are necessary to carry on the business of legislation in a proper manner. These officers are not members of the legislature.

Salary.—The members of the legislature are allowed five dollars a day for each day's attendance during the session, and ten cents a mile for each mile traveled in going to and returning from the place of meeting of the legislature, by the most usual route.

Ineligibility.—As a means of preventing corruption, the following section was adopted: "No senator or representative shall, during the time for which he is elected, be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased during the time for which he was elected." A similar pro-

vision is contained in the constitutions of most of the other states, and in that of the United States.

Ineligibility as Members.—Members of congress and persons holding any civil or military office under the United States or any other power are not eligible to election as members of the legislature. And if any member of either house is elected to congress, or is appointed to any other office, civil or military, his acceptance of such election or appointment will compel his resignation as a member of the legislature; except that this rule does not apply to officers of the militia who receive no annual salary, local officers, and postmasters whose salary does not exceed three hundred dollars per year.

Vacancies.—Whenever a vacancy occurs in the membership of either house of the state legislature, it is the duty of the governor to issue a writ of election to fill such vacancy. The district in which the vacancy occurs is the only one affected by the writ of election in such cases.

Privilege.—Senators and representatives, in all cases except treason, felony, and breach of the peace, are privileged from arrest while attending a session of the legislature. They are also not subject to any civil process during the session of the legislature, nor for fifteen days next preceding the commencement of each session. Were it not for this provision, members of the legislature might be arrested on false charges, and thus be prevented from taking part in the work of law-making.

Freedom of Speech.—No member can be called in question, in any civil or criminal action, for anything he may say in any speech or debate upon any question in either house. The rules of order of each house determine the mode of procedure in debate, and a member may be denied the right to participate in discussion for violation of those rules.

Other Provisions.—The legislature is prohibited from authorizing any lottery or granting any divorce. It is also prohibited from granting any extra compensation to any public officer, agent, servant, or contractor after the service has been rendered or the contract entered into. No public officer can lawfully receive any other compensation than that fixed by law at the time of his election or appointment to office. The legislature is required to pass laws to determine in what manner, and also in what courts, suits may be brought against the state.

PART II

Special Provisions.—Each house chooses its own officers, and judges of the qualifications, election, and returns of its own members. A person who has not all the necessary qualifications for membership may be elected and his certificate of election be properly returned. It is left for each house to decide for itself all matters of this kind. A contested election is settled in a manner prescribed by law. The speaker of the house holds his office for the full term for which he was elected by the house, but all other officers serve only during the session at which they are chosen.

Quorum.—A majority of the members of each house constitutes a quorum for the transaction of business. But a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide. This rule applies in all legislative bodies, and its necessity is often shown.

Rules of Order.—Each house adopts rules for its own government. In the absence of other rules, those contained in Reed's "Parliamentary Practice" govern debate. One of the rules established by the constitution is that each house

shall sit with open doors, except on such occasions as may require secrecy. Members may be punished or expelled for disorderly conduct. It requires a two-thirds vote of all the members elected to expel a member, and no person can be so punished a second time for the same offense. This means that an expelled member is eligible for reëlection.

Journal.—Each house is required to keep a journal of its proceedings and publish the same, except such parts as require secrecy. The journal shows, in detail, the business transacted from day to day, and it is important that the record be accurately kept. Neither house can adjourn for a longer period than three days, nor to any other place than that in which they may be sitting, without the consent of the other house. The reason for this requirement is that one house might retard the business of the other, or prevent legislation altogether, by adjourning from place to place, or for an indefinite period of time.

Bills.—A bill is a draft of a proposed law. A bill may originate in either house, but when it has passed the house in which it originated, it may be amended or rejected altogether by the other house. No bill can become a law unless, on its final passage, a majority of the members of each house vote in favor of its enactment. The final vote on every bill is by yeas and nays, and a record is made in the journal of the vote of each member. A vote by yeas and nays may be demanded upon the passage of any question, by one sixth of the members present. This rule applies in both houses.

Yeas and Nays.—The process of voting in this way is longer than the ordinary one, but it serves to put each member on record as to how he votes. The names of members and the manner of voting are made part of the record, and, in this way, the people are enabled to learn just what their

representatives are doing in the work of lawmaking. In all elections by the legislature, the constitution provides that the vote shall be *viva voce*, and the record of each vote is entered on the journal.

Prohibitions.—As the legislature should make uniform laws for all the people, so far as possible, the passage of special, or private, laws is expressly forbidden in the following cases:

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening, or altering highways, except in cases of state roads extending into more than one county, and military roads, to aid in the construction of which lands shall have been or may be granted by congress.

3. For authorizing persons to keep ferries wholly within this state.

4. For authorizing the sale or mortgage of real or personal property of minors or others under disability.

5. For assessment or collection of taxes, or for extending the time of collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village, or to amend the charter thereof.

9. From giving effect to invalid deeds, wills, or other instruments.

10. Releasing or extinguishing, in whole or in part, the indebtedness, liability, or other obligation of any person or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

12. Legalizing, except as against the state, the unauthorized, or invalid, act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties, or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal action.

18. Changing county lines, locating or changing county seats: Provided, this shall not be construed to apply to the creation of new counties.

Convict Labor.—In many of the older states, the labor of convicts in the state penitentiary is sold to individuals or corporations, the contract being let for a term of years, and usually to the highest bidder. This plan is often very unsatisfactory. The constitution of our state has prohibited the sale of convict labor, since January 1, 1890. All labor performed by convicts here is for the benefit of the state.

Bribery.—The constitution provides for the passage of laws to prevent bribery of legislators or other officers of the state. The laws passed on this subject are very stringent, and it is right that they should be so. In addition to the punishment prescribed by statute, a person convicted of bribery is prohibited from holding any position of honor or trust under the laws of this state.

A member who has any private interest in a proposed law is required to make that fact known to the house of which he is a member, and he is not permitted to vote on that measure.

Laws Take Effect.—Ordinary laws of a public nature, except those relating to appropriations, passed at any session of the legislature, take effect ninety days after the close of the session at which they are enacted. Any law that is deemed to be of special importance may be put into effect immedi-

ately by a two-thirds vote of both houses, if it contains an emergency clause.

Other Restrictions.—The constitution provides that no bill shall contain more than one subject, and that the title of the bill must set forth the substance of the proposed measure. At a regular session, no bill is to be considered in either house, unless it has been introduced at least ten days before the time for final adjournment of the legislature. This rule may be suspended by a two-thirds vote of both houses, the vote being taken by yeas and nays, and it does not apply to special sessions. No law can be amended by mere reference to its title, and no amendment is allowed which is intended to change the purpose of the bill.

Approval by Governor.—As stated elsewhere, bills may be introduced in either house, but the other house may alter, amend, or reject them altogether. Before a bill can become a law, it must pass both houses and be signed by the speaker of the house of representatives and the president of the senate. It is then presented to the governor for his approval. If he is satisfied with its provisions, he affixes his signature to it, and the bill becomes a law.

Veto.—If the governor objects to the bill, it is his duty to return it to the house in which it originated, with his objections. These objections being entered upon the journal, the house then proceeds to reconsider the bill. If, after such reconsideration, the bill is again passed by a two-thirds majority of each house, it becomes a law, notwithstanding the governor's objections. The refusal of the governor to sign a bill is called his veto. Veto is a Latin word, signifying "I forbid." The veto power is seldom exercised in any of the states.

Governor's Neglect.—The failure of the governor to return a bill within five days from the time it is presented to him

(Sunday excepted), is equivalent to his signature, unless the legislature prevents its return by adjournment. Any bill presented to the governor for approval during the last five days of the session becomes a law without his signature unless he files the bill, with his objections, with the secretary of state within ten days after the adjournment of the legislature (Sundays excepted). Any bill so objected to must be submitted to the legislature for consideration at the next session thereof. If any bill contains several sections, the governor may approve part of the bill and veto the remaining sections. The sections objected to must be acted upon in the same manner as a vetoed bill.

Joint Convention.—Certain business of the legislature is transacted in joint convention of both houses. Such meetings are held in the hall of the house of representatives, and in the absence of the president of the senate and the speaker of the house, a temporary president is chosen on joint ballot. A record of the proceedings is kept by the clerk of the house and the secretary of the senate, and recorded by them in the journals of their respective houses.

United States Senators.—United States senators are elected by the legislature,—usually in joint convention, in the following manner: The names of the members of the legislature are arranged in alphabetical order, and each one votes in the order in which his name stands on the list. The name of the person voted for by each member is recorded by the judges of election, and, after the names have been read a second time to correct any errors of record, the judges report to the presiding officer the number of votes each candidate has received. If no one has received a majority of all the votes cast, a second vote is taken, and so on, from time to time, till some one receives the necessary majority.

The person receiving such a majority is declared to have been duly elected, and the president of the convention signs duplicate certificates of election, one of which is transmitted to the governor, the other being preserved as a part of the record of the convention. The choice of the United States senators by popular vote is looked upon with favor by many people, and candidates for the legislature often pledge themselves before election to vote for the candidate of their party who receives the highest number of votes at the primary election.

United States Representatives.—The legislature once in ten years divides the state into congressional districts, each of which elects one United States representative in congress. The present division into congressional districts is indicated in the table on page 139.

Statistics.—In accordance with a provision of the constitution, there is established in the office of the secretary of state, a bureau of statistics, agriculture, and immigration. The constitution also requires the passage of laws for the protection of persons employed in mines, factories, and other places dangerous to life or injurious to health. Violation of these laws is subject to severe penalties.

Passes.—Legislators and all other public officers of this state are prohibited from using passes, or purchasing transportation from any railroad or other corporation at a lower rate than that charged the general public. This is certainly a wise provision. The practice of granting passes to public officials, in many of the older states, has caused much harsh criticism of the railroads in times past. Nearly all of the states now prohibit the acceptance of passes by their public officials, and a United States law prohibits the giving of such passes by interstate railroads.

COUNTIES, STATE REPRESENTATIVE DISTRICTS, STATE SENATORIAL DISTRICTS, AND CONGRESSIONAL DISTRICTS

No.	County	County Seat	Rep. Dist.	Sen. Dist.	Cong. Dist.
1	Adams	Ritzville	15	11	3
2	Asotin	Asotin	9	10	3
3	Benton	Prosser	58	15	3
4	Chehalis	Montesano	29, 30	21	2
5	Chelan	Wenatchee	56	13	3
6	Clallam	Port Angeles	34	24	2
7	Clarke	Vancouver	23	17	2
8	Columbia	Dayton	11	10	3
9	Cowlitz	Kalama	24	18	2
10	Douglas	Waterville	18	1	3
11	Ferry	Republic	55	1	3
12	Franklin	Pasco	14	11	3
13	Garfield	Pomeroy	10	10	3
14	Grant	Ephrata	59	15	3
15	Island	Coupeville	50	23	1
16	Jefferson	Port Townsend	33	24	2
17	King	Seattle	40, 41, 42, 43, 44 45, 46, 47, 48	30, 31, 32, 33 34, 35, 36, 37	1
18	Kitsap	Port Orchard	32	23	1
19	Kittitas	Ellensburg	19	13	3
20	Klickitat	Goldendale	21	16	2
21	Lewis	Chehalis	27	20	2
22	Lincoln	Davenport	16	14	3
23	Mason	Shelton	31	23	2
24	Okanogan	Conconully	17	1	3
25	Pacific	South Bend	26	19	2
26	Pend Oreille	Newport (?)	60	2	3
27	Pierce	Tacoma	35, 36, 37 38, 39	25, 26, 27 28, 29	2
28	San Juan	Friday Harbor	52	24	1
29	Skagit	Mt. Vernon	51	40	1
30	Skamania	Stevenson	22	16	2
31	Snohomish	Everett	49	38, 39	1
32	Spokane	Spokane	2, 3, 4, 5, 6	3, 4, 5, 6, 7	3
33	Stevens	Colville	1	2	3
34	Thurston	Olympia	28	22	2
35	Wahkiakum	Cathlamet	25	19	2
36	Walla Walla	Walla Walla	12, 13	11, 12	3
37	Whatcom	Bellingham	53, 54, 57	41, 42	1
38	Whitman	Colfax	7, 8	8, 9	3
39	Yakima	North Yakima	20	15	3

Aliens.—Aliens, as a rule, are not permitted to own land in this state. This provision does not apply to those persons of foreign birth who have declared their intention to become citizens of the United States. Nor does it apply to lands acquired by inheritance or in the ordinary course of justice in the collection of debts. The constitution further provides that this restriction shall not apply to mineral lands, but any corporation, the majority of whose stock is owned by aliens, comes under the limitations of the section.

CHAPTER X

ARTICLE III. EXECUTIVE DEPARTMENT

PART I

Governor.—To the executive department belongs the duty of enforcing the laws of the state. The chief officer of this department is the governor, who is elected every fourth year by the qualified voters of the state. The election occurs on the Tuesday after the first Monday in November of each presidential election year, and the term of office begins on the second Monday in January following the election. The duties of the governor are very important, for to him is intrusted the general enforcement of the laws of the state.

Qualifications.—The qualifications of the governor are not the same in all the states. In most of the states, no person is eligible to that position who is not a male citizen of the United States, at least thirty years of age, and who has not been a resident of the state for a number of years (two, three, five, six, seven, or ten) immediately preceding the election. The constitution of the state of Washington provides that no person shall be eligible to any state office who is not a citizen of the United States and a qualified voter in this state. This is certainly a very liberal provision, as it leaves the office of governor open to all qualified voters of the state.

Lieutenant Governor.—A lieutenant governor is chosen at the time the governor is elected, in the same manner, and for the same time. The lieutenant governor is *ex officio* president

of the senate, but he has no vote upon any question except when that body is equally divided. In case of the death, impeachment, resignation, or removal of the governor, the duties of that officer devolve upon the lieutenant governor, and during the time he is acting in such capacity, he receives the same compensation as the governor.

Return of Elections.—The returns of the elections for governor and lieutenant governor are sealed and transmitted to the seat of government, directed to the secretary of state. He delivers them to the speaker of the house of representatives, and it is his duty to open and publish them in the presence of both houses of the legislature. The persons who have received the highest number of votes for governor and lieutenant governor are declared elected. In case of a tie vote for two or more persons for either office, it is the duty of the legislature to proceed to the election of a governor or lieutenant governor, as the case may be. The choice must be made from the candidates who have received the same highest number of votes cast by the electors.

Duties of Governor.—The governor is commander in chief of the militia and of the army and navy of the state, except when they are in the service of the United States. He transacts business with all civil and military officers of the state government, and receives reports from the other officers of the executive department upon any subject pertaining to their duties. When any office becomes vacant from any cause, it is the duty of the governor to fill the vacancy by appointment, unless the constitution or laws of the state provide some other way. All commissions are issued in the name of the state, signed by the governor, and attested by the secretary of state.

Message.—The governor is required to communicate with

the legislature at every session, by message. As soon as the organization of the legislature is completed, the governor's message is read to each house, by its clerk. This message contains a statement of the condition of the state, together with such recommendations as the governor may see fit to make concerning matters of importance to the state. This document corresponds with the president's annual message to Congress, and is always written or printed.

Special Session.—The governor may, on extraordinary occasions, call a special session of the legislature by proclamation, in which he must state the reason for the call. This action is rarely taken, except in cases of public danger or grave necessity, as the expense of holding a session, even for only a few days, amounts to a large sum of money. The pay and mileage of members of the legislature are the same for a special as for a regular session.

Pardoning Power.—The governor has power to grant commutations and pardons in all cases except treason and impeachment, subject to regulations provided by law. A reprieve is a temporary suspension of the death penalty which has been passed upon a person convicted of a capital crime. A commutation of a sentence shortens the time or lessens the severity of the punishment. The governor also has the power to remit fines and forfeitures, under restrictions made by law.

Report.—Every case of reprieve, commutation, pardon, or remission of fine or forfeiture must be reported to the legislature at its next meeting. The name of the person relieved from punishment, together with the reason for the executive action, must form a part of the report. The governor's report must also state the amount of each fine remitted.

Executive Succession.—If the lieutenant governor, while

acting as governor, is impeached or displaced, or for any other reason becomes unable to perform the duties devolving upon him, the secretary of state acts as governor until the disability is removed, or the vacancy is filled as required by law.

OTHER STATE OFFICERS

Other Officers.—The constitution also provides for the election of a secretary of state, treasurer, auditor, attorney-general, and a commissioner of public lands to be chosen by the qualified voters of the state for a term of four years. All of these officers are chosen at the time of the election of governor and lieutenant governor. Several other officers, properly belonging to this branch of government, are provided for by the constitution, or have been authorized by law, and the duties of all of these will be discussed in a general way.

Secretary of State.—The secretary of state has charge of all the records of the territory of Washington, the original draft of the constitution of the state, and all other records of the state not properly belonging to the other departments. He keeps a record of all official acts of the legislature and the executive department. When requested to do so, he submits to either branch of the legislature any of the records of his office. He has many other duties to perform as required by law. He is also the custodian of the seal of the state, which he uses for all official purposes.

Treasurer of State.—The treasurer of state receives all moneys belonging to the state, and pays all warrants drawn upon the treasury by the auditor. He keeps a record of all warrants paid by him, and, at stated intervals, he reports to the auditor the number and amount of each warrant paid since his last report. He is also required to make a report

to the legislature, showing the condition of affairs of his office, at the beginning of each session. This officer is not eligible for reëlection, till after an intervening term.

Auditor of State.—The auditor of state is the general accountant of the state, and to him is intrusted the duty of keeping a correct account of all moneys belonging to the state, as well as of all moneys expended. He superintends the fiscal affairs of the state, and furnishes information and blanks in the proper form to enable the county auditors and treasurers to report to him the items they are required to furnish by law. He draws warrants on the state treasury for all appropriations authorized by law, and reports to the governor, before each session of the legislature, the amount of all revenue, funds, income, and taxable property of the state, together with the amounts expended for all purposes since his last report.

Attorney-General.—The attorney-general is a lawyer who acts as counsel for the legislature and officers of state, and appears for the state in all cases, civil or criminal, in which the state is a party, when requested to do so by the governor or the legislature. At the request of the legislature or any state officer, it is his duty to give, free of charge, his opinion in writing upon any question of law which may be submitted to him. He is required to make a complete report of the business of his office to the legislature, at stated intervals.

Superintendent of Public Instruction.—The state superintendent of public instruction has general supervision of the public schools of the state. He holds a convention of the county superintendents once a year, at which the school laws of the state are discussed, and also any matters that may enable the county superintendents to discharge their duties wisely.

Other Duties.—By virtue of his office, he is a member of the state board of education. He renders a written opinion on any point of school law to any school officer who may desire it, and he also decides all appeals from county superintendents, when properly made. As often as he may deem it necessary, he has a sufficient number of copies of the school laws and decisions printed to supply each school officer of the state with a copy. He also issues common school teachers' certificates, as required by law.

Report.—On or before the first day of November of each even-numbered year, he reports to the governor the number of teachers, schools, and schoolhouses, the condition of the public schools of the state, and such other information as has been reported to him by the county superintendents. His report also contains a statement of the state and county school funds received and apportioned, the bonded indebtedness of school districts, and a report of the different state educational institutions.

State Board of Education.—The state board of education is composed of the superintendent of public instruction, the presidents of the university and state college of Washington, the principal of one of the state normal schools, and three persons holding life diplomas issued in this state and actively engaged in school work. The last three mentioned are appointed by the governor for a term of two years. The superintendent of public instruction is president of the board, and his deputy serves as its secretary.

Powers and Duties.—The state board of education prescribes the courses of study for the common schools of the state, and approves courses of study for the different state educational institutions. It adopts such rules for the government of the common schools as will increase their efficiency

and promote the best interests of popular education. It also has general supervision of teachers' examinations, and hears and decides appeals, as required by law.

Board of Finance.—The board of finance is composed of the governor, treasurer, and auditor of state, *ex officio*, but the governor has the authority to appoint some other state officer in his stead. The board was organized for the purpose of securing satisfactory investment of the permanent school fund of the state, and of the funds of the different state institutions, educational, penal, and charitable. Whenever there is a thousand dollars or more available for investment in any of the funds above mentioned, the board is authorized to purchase, at par, any regular national, state, county, municipal, or school bonds, bearing not less than three and three-fourths per cent. interest annually.

Commissioner of Public Lands.—The constitution provides for the election of a commissioner of public lands. The legislature has established a board of state land commissioners, consisting of the above-named officer, who acts as chairman, the secretary of state, and the superintendent of public instruction. This commission has charge of the selection, survey, lease, and disposition of lands granted to the state for all purposes, by the United States. The routine work of inspecting, surveying, and appraising such lands is done under the direction of the commissioner of public lands.

Adjutant General.—The adjutant general is an officer appointed by the governor, with the advice and consent of the senate, to have general supervision of the affairs of the Washington national guard, as the organized state militia is called. No person can act as adjutant general who has not served as an officer in the national guard or the standing army of the United States for at least three years. He must

also not rank lower than captain at the time of his appointment. He issues all orders of the governor relating to military law, and causes them to be published from time to time, as it becomes necessary. He keeps a roll of all commissioned officers of the militia, with their residence and rank, and such other information as may be necessary concerning them. He is required to make quarterly and annual reports of the affairs of his department to the commander in chief.

Public Printer.—The public printer is appointed by the governor, and holds his office during the governor's pleasure. His office is at the seat of government, and it is his duty to print the journals of both houses of the legislature, and the laws enacted by that body, as well as all forms, blanks, and other incidental matter required by the different state officers. His work must be promptly done in a workmanlike manner, and for it he receives compensation fixed by law, the amount of which depends upon the work done. He also binds the volumes of laws, reports, and other records that are to be preserved in permanent form. All materials used for printing or binding must be furnished at actual cost.

Public Service Commissioners.—The public service commission of the state of Washington consists of three members appointed by the governor for a term of six years. Their terms of office are so arranged that one member is appointed every second year. Any member of the commission may be removed by the governor, who must file with the secretary of state the cause for such removal. These commissioners have the general supervision of railroad, express, telegraph, telephone, gas, electrical, and water companies, and it is their duty to see that the laws of the state governing these companies and their employees are strictly complied with. The

books of any railroad company, at any station or office, are open to inspection by this board, and any officer or agent may be examined under oath. The commission is required to make a detailed annual report to the governor of the work of the office, together with such recommendations in relation to their duties as they may think necessary.

Fish Commissioner.—The state fish commissioner is also the state game warden. He is appointed by the governor for a term of four years. The governor, treasurer of state, and fish commissioner constitute the state board of fish commissioners *ex officio*. The commissioner is required to appoint a deputy for each county in the state. These officers are all peace officers, and are authorized to arrest, without legal warrant, any violators of the fish and game laws, known to them.

Duties.—The fish commissioner is required to give his entire time to the duties of his office. He is also required, with the aid of his deputies, to see that all laws relating to the propagation, preservation, and protection of food fish in this state are properly observed. He also has general supervision of the fish hatcheries of the state. Many laws have been passed for the protection of game birds and wild animals within this state. At certain times, known as the closed season, it is unlawful for any one to kill certain kinds of game birds, and the number any one may kill during the open season is limited by law. The penalties for violating any of the game laws of the state are very severe. Persons desiring to hunt game animals or birds during the open season must obtain a license permitting them to do so.

Grain Inspector.—The state grain inspector is appointed by the governor for a term of two years. The person so appointed must be a qualified voter in the state, and he must

have had three years' experience in handling grain. The office of the grain inspector is located at Tacoma. He is required to be thoroughly familiar with the grains grown in Washington and the adjoining states. It is his duty to inspect thoroughly and grade grain shipped for milling and for export trade, and to see that the laws relating to such inspection are fully complied with.

Commissioner of Horticulture.—This officer is appointed by the governor for a term of four years. His office is located by law in the city of Tacoma. The person appointed to this position must hold a certificate from the state college of Washington to the effect that he is a skilled horticulturist. It is the duty of this officer to supervise the horticultural interests of the state, and to enforce the laws relative to the growing and marketing of fruit.

Board of Equalization.—The state board of equalization is composed of the secretary of state, the commissioner of public lands, and the auditor of state. The auditor is chairman of the board. The regular meeting of the board begins on the first Tuesday in September of each year, and the session is limited to twenty days. The auditor for each county reports to this board the assessed value of all classes of property listed in his county for taxation. The lists from all the counties are compared, and the assessment on any class of property may be raised or lowered so as to make the assessment uniform on such property, throughout the state.

State Levy.—The reports from all the counties show the total value of the taxable property of the state. The state board of equalization estimates the amount of money to be raised for the support of the state government. This amount is apportioned among the different counties according to the

value of the taxable property in each county. The rate of taxation is determined by dividing the amount to be raised for state purposes by the total value of property in the state. This rate is reported to the auditor of each county, and he is required to levy that rate on each parcel of property taxed in his county, and the amount received from such levy is paid into the state treasury. At this point, the student should refer to the table in a preceding chapter (pp. 50, 51) which shows the tax levy in detail. The state levy is reported to each county auditor on or before the last Monday in September of each year.

Board of Tax Commissioners.—The legislature of 1905 provided for the creation of a state board of tax commissioners. This board consists of three members appointed by the governor and approved by the senate, for a term of four years. No member of the board is permitted to hold any office under the United States or this state, and each one is required to give his entire time to the discharge of his office as a member of this board.

Duties.—The board has general supervision of the entire system of taxation throughout the state. The proper equalization of taxes on property of all kinds, so that each kind shall bear its proper burden of taxation, is one of the hardest problems of government to be solved at the present time. The board of tax commissioners serves as the state board of equalization between counties for the purpose of securing a uniform levy of taxes in all counties of the state for the support of the state government. The powers conferred upon this board are such as to make it possible for them to secure information of all kinds, to enable them to discharge their duties impartially. They are required to make a complete report of their work biennially.

PART II

COMMISSIONERS AND SOCIETIES

Societies, etc.—In addition to the officers whose duties have already been discussed, there are several important commissioners, societies, and boards authorized by law to safeguard the public health or to carry on some special work in the government of the state. The most important of these will now be considered briefly.

Coal Mine Inspectors.—It is provided by law that the state of Washington shall be divided into districts for the proper inspection of its coal mines. No district shall contain less than ten nor more than sixty coal mines, and each district shall have one deputy mine inspector. The appointment of coal mine inspectors is made by the governor, in a manner prescribed by law. The term of office is four years, and no person is eligible to appointment to the office who is not a citizen of the state of Washington, and who has not had at least five years' practical experience in coal mining.

Duties.—The state coal mine inspectors have the power to inspect coal mines and to enforce the laws of the state relative to their proper management. The purpose of the law is to provide for the safety of all persons engaged in mining, to prevent accidents as far as possible, and to remove many of the hazards to which miners are subjected in their regular work. It is the duty of each coal mine inspector to see that the mines of his district are properly ventilated, and that all machinery used is operated as required by law. The work of the mine inspector is very important, as it has a direct bearing upon the lives and health of the coal miners of the state, and the welfare and happiness of their families.

Labor Bureau.—The commissioner of labor and the state

inspector of coal mines compose the bureau of labor. The commissioner of labor is appointed by the governor for a term of four years. This officer also acts as inspector of factories, mills, and railroads within the state. With the approval of the governor, he appoints such deputies as are necessary to aid him in the performance of his duties.

Duties.—It is the duty of the bureau of labor to see to the enforcement of all laws relating to the employment of children, minors, and women, as well as those for the safety of all persons employed in mills, factories, mines, and railroads. This bureau was established in the interest of the laboring classes, and it is doing excellent work in protecting the rights of laborers in all walks of life within the state. It reports to the legislature biennially statistics relating to the commercial, industrial, and sanitary condition of the laboring classes, and such other matters as relate to the general welfare of the people. The labor commissioner acts as mediator in the settlement of disputes between employers and employees.

Oil Inspector.—The governor, with the advice and consent of the senate, appoints the state oil inspector. It is his duty to test all illuminating, manufacturing, domestic, and power oils made from petroleum, and designed to be sold for use in this state. All oils that are not properly refined, and those for illuminating purposes that will take fire and burn at a lower temperature than 120 degrees Fahrenheit, are rejected, and are not permitted to be sold in the state. Fees are charged for inspection, and severe penalties are inflicted upon any person who sells, or offers for sale, any illuminating oils that have not been tested and approved. One deputy oil inspector and such additional deputies as may be needed are appointed to enforce the laws relating to the inspection of oils.

Dental Examiners.—The members of the board of dental examiners are five in number, two being appointed by the governor in each odd-numbered year, and three in each even-numbered year, for a term of two years. This board has charge of examining and licensing all persons who desire to engage in the practice of dentistry in this state. Every practicing dentist is required to have a license to follow his profession, and having obtained such license from the board of dental examiners, he is required to file it with the auditor of the county in which his office is located.

Board of Health.—The establishment of the board of health was for the purpose of making such regulations and investigations as it may, from time to time, consider necessary for the improvement or preservation of the public health. Valuable information, designed to aid in preventing the spread of contagious diseases, has been furnished in the circulars and pamphlets sent out by this board, and, as its work becomes better known, much good will result to the people.

How Composed.—This board is composed of five members, appointed by the governor and approved by the senate. The term of office is five years, and one member goes out of office on the thirtieth day of December of each year. Vacancies are filled by the governor, the appointment to be ratified by the senate at the next session.

Powers.—The state board of health has supervision of all matters relating to the preservation of life and health of the people of the state. It has full power to establish and enforce quarantine regulations to prevent the spread of contagious or infectious diseases. Its rules often seem arbitrary, but it is the intent of the law to protect the people from exposure to disease through the ignorance or carelessness of persons affected.

Dairy and Food Commissioner.—The dairy commissioner is appointed by the governor, with the advice and consent of the senate, for a term of four years. By a later act of the legislature, the dairy commissioner was made the state food commissioner also, with additional duties. He appoints as many deputies as are necessary for the proper discharge of the duties of the office. One of the deputies serves as deputy state drug inspector.

Duties.—The purpose of the law authorizing the appointment of these officers is to prevent the sale of impure or adulterated foods and dairy products, and to punish violators of the pure-food laws of the state. The commissioner and his deputies are given almost unlimited powers in the discharge of their duties, and the penalties inflicted for violation of pure-food laws are very severe. Nearly all the states have passed rigid pure-food laws in recent years, and the results are very gratifying.

Historical Society.—This society was incorporated under the laws of the state of Washington for the purpose of collecting and preserving everything of a historical nature, in connection with the state. Books, pamphlets, maps, charts, manuscripts, and other material of a similar nature bearing upon the history, progress, and present condition of the state, are obtained from all sources possible, and arranged in suitable form for preservation. All such property acquired at any time is held in trust for the state. Special attention has been given to the collection of information concerning the origin, history, language, and customs of our Indian tribes. The governor, secretary, and treasurer of state are members of the board of curators of the state historical society, *ex officio*.

State Library Commission.—The governor, judges of

the supreme court, and the attorney-general compose the state library commission. There is also an advisory board consisting of the state superintendent of public instruction, two persons chosen by the governor, and two others appointed by the governor, one of whom is a person recommended by the state historical society, and the other by the state federation of women's clubs. The term of the appointed members is four years.

Duties.—This commission appoints the state librarian to serve during the pleasure of the commissioners. The state librarian has charge of the state library. He purchases all books, documents, maps, and other articles of value for the state library, and he is also intrusted with the care and proper distribution of all executive and other public documents printed by the state for distribution. He makes a biennial report to the state library commission, showing in detail the work of his office since the last report. His salary is fifteen hundred dollars a year and he has two assistants whose salary is not to exceed one thousand dollars a year each. The state historical department, and the system of traveling libraries maintained in this state, are under the supervision of the state library commission.

Board of Control.—The governor, with the advice and consent of the senate, appoints the three members of the board of control. It is provided that the board shall be bipartisan, not more than two members being of the dominant political party. The members of the first board were appointed for two, four, and six years respectively, and their successors are chosen for the full term of six years.

Duties.—The state board of control manages and controls the different charitable and penal institutions supported by the state, and examines and reports upon the management

and financial condition of the state educational institutions. It also has charge of the state capitol and grounds. A uniform system of accounts and vouchers is provided for the use of all the state institutions, and it is the duty of this board to promote, in all possible ways, the welfare of all the institutions supported by the state, and under its control. Complete reports are made of the work of the board, and recommendations are required showing the needs of the several state institutions. These reports and recommendations are made to the governor, on or before the first day of December, of each even-numbered year.

ALL STATE OFFICERS

Qualification of Officers.—No civil officer can lawfully enter upon the discharge of his duties until he has qualified by taking an oath of office as required by law. The governor and lieutenant governor are required to take the official oath in the presence of the legislature, in joint convention. If any person elected or appointed to any civil office in this state begins the discharge of his duties without first having qualified as required by law, he is liable to a fine of not more than one thousand dollars. All officers are required to qualify within a certain time following their election or appointment, and a refusal to qualify within the time prescribed is considered a refusal to serve.

Oath.—The following form of oath is the one prescribed by law to be administered to judges of the supreme court of the state: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the state of Washington, and that I will faithfully and impartially discharge the duties of the office of judge of the supreme court of the state of Washington to

the best of my ability." This is substantially the form of oath administered to all civil officers in all the states, the only change needed being the name of the office to be filled. The oath is generally written or printed and is signed by the officer taking the oath.

Sureties.—The governor, lieutenant governor, judges of the supreme and superior courts, members of the legislature, and township trustees are, as a rule, not required to give bonds in any of the states. Most other responsible officers are required to give security, usually in double the amount to be secured. The amount of the bond required differs according to the responsibility of the office and the amount of money to be handled. The bond of the state treasurer is fixed at two hundred and fifty thousand dollars, and is the heaviest one required of any officer in the state.

Bonds Approved.—The bonds of all civil officers are fixed by law. Bonds of state officers are approved by the governor, those of county officers by the county commissioners, and those of the township by the township supervisors, or their chairman.

Reports.—The code of Washington provides that the different state officers, inspectors, commissioners, and the board of control of state institutions shall report to the governor, or to the legislature, the condition of their respective offices and of the institutions under their control.

Vacancies.—Resignations by state officers and members of the legislature are made to the governor; those by county officers, to the county commissioners of their respective counties, and those by all other officers, holding their offices by appointment, to the officer or board appointing them.

How Filled.—In all state offices, unless otherwise pro-

vided by law, vacancies are filled by appointment by the governor. Vacancies in the legislature are filled by special election in the district in which the vacancy occurs. In county and precinct offices, vacancies are filled by the county commissioners, except in cases specially provided by law. The constitution and acts of the legislature provide that any officer appointed to fill a vacancy in an elective office holds until the next general election, and until his successor is elected and qualified. But a person elected to fill a vacancy holds for the remainder of the unexpired term.

Ineligibility.—It is provided by the constitution that the state treasurer shall be ineligible to reelection for the term following the one for which he was elected. It further provides that no county officer shall be elected for more than two terms in succession. No person, except he be a citizen of the United States and a qualified voter of this state, is eligible to any office in this state.

The legislature is authorized to abolish the office of lieutenant governor, auditor, and commissioner of public lands, if thought advisable to do so.

Term; Bonds; Salaries.—The term, bonds required, and salaries paid the principal state officers are as follows:

OFFICERS	TERM	BOND	SALARY
Governor	4 years	None	\$6,000
Lieut. Governor . .	4 years	None	1,200
Secretary of State .	4 years	\$ 10,000	3,000
State Treasurer . .	4 years	250,000	3,000
State Auditor . . .	4 years	50,000	3,000
Attorney-General .	4 years	5,000	3,000
Supt. Pub. Instruction	4 years	None	3,000
Com. Public Lands .	4 years	30,000	3,000
Adjutant General .	4 years	20,000	2,000 and expenses

OFFICERS	TERM	BOND	SALARY
Public Printer	{ Pleasure of Gov. }	\$10,000	Fees
Public Service Com.	6 years	20,000 each	\$5,000 and expenses
Fish Commissioner	4 years	5,000	2,400 and expenses
Grain Inspector	2 years	10,000	1,800 and expenses
Com. of Horticulture	4 years	5,000	2,000 and expenses
Tax Commissioners	4 years	10,000 each	3,000
Coal Mine Inspectors	4 years	2,000 each	2,400 and expenses
Com. of Labor	4 years		2,400 and expenses
Oil Inspector	4 years	5,000	2,000 and expenses
Board of Health	5 years	None	Expenses
Dental Examiners	2 years	None	5 a day and expenses
Dairy and Food Com.	4 years	5,000	{ 1,800 and expenses 600 ext. as Food Com.
Board of Control	6 years		3,000 and expenses
State Librarian	{ Pleasure of Lib. Com. }		1,500
Representatives	2 years	None	{ \$5 a day and mileage
and Senators	4 years		
Judges of Supreme Ct.	6 years	None	6,000
“ “ Superior “	4 years	None	3,000 to 4,000

CHAPTER XI

ARTICLE IV. THE JUDICIARY

Judicial Power.—The judicial branch of government of the state of Washington consists of a supreme court, superior courts, justices of the peace, and such inferior courts as are established by law. The supreme court at first consisted of five members, but the number has since been increased to nine. Meetings of the court are held at the seat of government. The regular sessions of the supreme court begin on the second Monday of January, May, and October of each year, and the court is now divided into three departments. It takes a majority of all the judges to form a quorum and render a decision.

Election; Term.—Judges of the supreme court are chosen by the qualified voters of the state at the general election in each even-numbered year, and the terms are so arranged that one third of the number, as nearly as may be, shall be chosen at each election. The term of judges of this court is six years. In case of a vacancy in the office of judge of the supreme court, the governor fills the place by appointment until the next general election.

Powers.—The supreme court has the sole power of determining whether any law passed by the legislature is constitutional or not. If any provision of the constitution is violated by the terms of a law, that law is unconstitutional, and, when so declared by the supreme court, it is no longer

considered a law of the state. This court also decides whether or not certain cases appealed to it have been properly tried in the lower court from which the appeal is taken. Certain limitations in matters of appeal are fixed by the constitution. Any judge of this court may issue a writ of habeas corpus, and the court, as a whole, is authorized to issue such other legal writs as may enable it to exercise all its powers in a satisfactory manner.

Chief Justice.—The judge of the court having the shortest time to serve acts as chief justice, provided that this shall not apply to any judge appointed or elected to fill a vacancy in the membership of the court. If this rule applies to two or more judges, the other members of the court decide which one of the number shall serve as chief justice.

Clerk and Reporter.—The clerk of the supreme court keeps on file all decisions made by the court. His duties are such as are indicated by his title. The reporter has charge of publishing the decisions of the supreme court, including with each decision such information as may be necessary to give a clear history of the case for use as a matter of reference. The clerk and the reporter are appointed by the judges of the supreme court, and may be removed by the court at pleasure. It is provided by the constitution that the office of clerk of the supreme court may be made an elective one for a definite term. The salary of each of these officers is two thousand dollars a year.

Superior Courts.—Each superior judge is elected, by one or more counties, for a term of four years. When a county has so great a population as to require the services of more than one superior judge, the legislature provides for the election of the number of judges needed, and there may be as many sessions of the superior court at one time as there are judges of the court for that county.

Jurisdiction.—The superior courts of the state of Washington now have general original jurisdiction in all suits at law, both civil and criminal, except those in which exclusive or concurrent jurisdiction may be given to some other court specially authorized by the constitution and laws of this state. Each superior court is also a court of equity. As a court of probate, it has exclusive original jurisdiction in the proving of wills, and in the settlement of estates of persons deceased. It has original jurisdiction in the settlement of claims for money or property when the amount in controversy is one hundred dollars or more. This court also serves as a court of appeals in certain proceedings from justice courts, and such other inferior courts as may be established by law.

Sessions.—The superior courts are courts of record, and on that account they are always open for the transaction of business, except on nonjudicial days. The clerk of each county is *ex officio* clerk of the superior court of that county, and much of the routine clerical work of the superior court is done by him under authority from the court, at a time when the superior judge may be occupied in the trial of cases, or in the discharge of the other duties of his office. Regular and special sessions of this court are held at such times as may be determined by the judge, or judges, in each county. All sessions of this court are held at the county seat.

Grand Jury.—The grand jury of any county, if one is summoned, serves as an investigator of crimes committed in that county. It has no power to try criminals and fix the punishment for the crimes committed. Real or alleged violations of the criminal laws of the state are reported to the grand jury, and if the evidence against any person is such as to indicate that he has committed a crime which is punishable after the

indictment, the person is indicted. He is then arrested, if possible, and held for trial before the petit jury.

Indictment.—An indictment is a written accusation presented to the court in which a grand jury is impaneled, charging the person named therein with the violation of the criminal law, or with the commission of some act which is punishable on indictment. Such an accusation can be made only upon the sworn statement of witnesses examined by the grand jury, or by evidence furnished by certain legal documents, as prescribed by law. No indictment can be found without the concurrence of twelve grand jurors, the full number of which that jury is composed. In many of the older states, accusation by indictment is necessary to hold an alleged criminal for trial, except in minor offenses.

Information.—The workings of the grand jury system have not always proved satisfactory, and some of the states have abolished grand juries altogether. The constitution and statutes of Washington provide for a formal accusation of an alleged criminal by information also. This plan is now in general use, as it is considered more definite, fully as just, and much less expensive, than accusation by indictment. An information is a formal accusation made by the prosecuting attorney, charging the person accused with having committed the crime for which he is to be tried. The hearing for the purpose of determining the guilt or innocence of the person accused is held before a judge of a court having jurisdiction over the case, or before a trial, or petit, jury.

Conviction.—The laws of this state, as well as of all the other states, provide that a person accused of crime shall not be punished unless he has been tried and convicted of the offense by a court having full jurisdiction in the case, or upon his confession in open court that he is guilty.

Trial by Jury.—As stated elsewhere, a jury in a justice's court in this state consists of six members. Unless specially provided by law, a trial jury in all other courts is composed of twelve members. Trial jurors are selected from the qualified voters of the county in which they reside. In addition to this qualification, the law governing the selection of jurors provides that a juror must be a taxpayer and must have resided in the county for the year next preceding the time he is drawn for such service. He must be of sound mind, in full possession of his natural faculties, and able to read and write the English language. A person who has been convicted of a felony is ineligible to jury service, and no person is required to serve as juror at any term of court if he has served in that capacity within the preceding year.

Exemptions.—The following classes of persons are exempt from jury service in the state of Washington: Officers of the state and national government, lawyers, doctors, teachers, active members of police and fire departments in cities and towns, and all persons over sixty years of age.

Jurors; Witnesses.—Each grand and petit juror is allowed three dollars a day for attendance upon the superior court, and one dollar a day in justice's court. Members of a coroner's jury are paid two dollars a day. Witnesses are allowed two dollars for each day's attendance in all courts of the state. Jurors and witnesses are allowed ten cents a mile for the distance traveled in going to and returning from the meeting place of the court.

CHAPTER XII

ARTICLES V-XXVII. VARIOUS SUBJECTS

PART I

ARTICLE V. IMPEACHMENTS

The subject of impeachments is discussed in an earlier chapter; see page 129.

ARTICLE VI. ELECTIONS AND VOTERS

Right to Vote.—The constitution of every free government designates those persons who have the right to vote. With us, all political power is inherent in the people. The right to share in this power is sometimes called the elective franchise, and it consists of the right to vote for public officers and for measures proposed for the common good.

Qualifications of Voters.—It is customary, in a majority of the states, to restrict this right to male citizens of the United States, at least twenty-one years of age. Persons under this age are thought to be too young to know how to vote properly upon questions of public importance, but at best, the rule is an arbitrary one. Some standard must be adopted by each state, and perhaps the plan in use is as good as any that could be devised, unless uniform qualifications for voters could be adopted for all the states.

The lowest, or minimum, age at which persons may vote is the same in all the states, but aside from that there is no uniformity. Few of the states agree in all points relating to the

qualifications of voters. Wyoming, Colorado, Utah, Idaho, Washington, and California allow women to vote at all elections, and several other states give them the right to vote on school or municipal matters, or both. Several states permit aliens who have declared their intention to become citizens of the United States, to vote at all elections, provided they have the qualifications as to age, sex, residence, etc., as required by the state constitution.

Residence.—Some of the states require two years' residence within the state as a qualification for voting, and one of the states requires only three months' residence; in most of the states the requirement is one year's residence. The residence in the county required of voters varies from no time specified to one year, and the same variation occurs with reference to residence in the voting precinct. In many of the states, voters are required to register their names and places of residence at a specified time and place, before the election, and, failing in this, they are deprived of the right to vote at that election.

Other Qualifications.—Some of the states require educational qualifications of voters, while others have no such restriction. Several that have this educational requirement provide also an alternative property qualification of electors; that is, before a person otherwise legally qualified can vote, he must prove that he owns a certain amount of property, or pays taxes or rent of a specified sum. Several state constitutions provide that "Indians who have renounced their tribal relations and donned the habiliments of civilization may vote at any election now or hereafter authorized by law."

Qualifications in Washington.—The constitution of the state of Washington fixes the following qualifications of voters. They must be citizens of the United States, at

least twenty-one years of age. They must have resided in the state one year, in the county ninety days, and thirty days in the voting precinct in which they claim the right to vote. This residence must all apply to the time immediately preceding the election. They must also be able to read and speak the English language. Indians not taxed are not permitted to vote. Women are now allowed to vote at all elections.

Exceptions.—Idiots and insane persons are prohibited from exercising the right of suffrage because they cannot do so understandingly. The only otherwise qualified electors who are denied this privilege, are those who have been convicted of some infamous crime. It would not be wise to allow criminals to exercise the right to vote.

Privileges.—All electors who are not accused of treason, felony, or breach of the peace, are privileged from arrest on election day while attending the election, or while going to or returning from the same. No elector is obliged to perform military duty on the day of election, except in time of war or public danger. Persons engaged in the military, naval, or marine service of the United States do not gain a residence in the state by being stationed here in the discharge of their duties.

General elections in this state are held biennially in the even-numbered years.

Primary Elections.—The legislature of 1907 passed a state-wide primary election law for the nomination of all candidates for elective offices in the state of Washington, except special elections for filling vacancies and a few minor positions.

Ballots.—The rules for voting at all general elections apply, in the main, to voting at primary elections. The ballots are prepared and printed under the direction of the county

auditor of each county, and every ballot printed must be accounted for. The ballots are printed at the expense of the county as in the case of general elections. The city clerk prepares the ballots for municipal elections.

Voting.—On the day of election, the voters assemble to cast their ballots. A voter approaches the table about which the judges of election are seated, announces his name, and asks for a ballot. Except in the case of school elections in cities having less than ten thousand population, voters are required to register their names and residences a certain number of days preceding the election, or forfeit the right to vote. In case registration is required, the voter's name must be checked on the registration book, before he is given a ballot. If found correct, the voter takes the ballot, passes into a booth, and prepares his ballot secretly. Having marked his ballot so as to show his choice of candidates, he folds it, passes out of the booth, hands the ballot to one of the judges of election, at the same time announcing his name so that it can be recorded by the clerks of election. If a ballot is soiled or found to be defective, the voter must return it to the judges of election, and get another ballot. He will not be permitted to take a ballot away with him. Blind voters, or those suffering from other physical disability, may have assistance in marking their ballots in a manner prescribed by law.

General Provisions.—At the primary election immediately preceding the election of a United States senator by the legislature, each voter expresses his preference for a candidate for that office. All elections of supreme and superior court judges are nonpartisan; that is, the ballots are not marked in any way to show that the candidate belongs to any political party. At primary elections, separate ballots are prepared for each political party, and each voter calls for a

ballot of the party to which he belongs. When there are four or more candidates of a political party for a state or congressional office, the voter is required to express both a first and a second choice of candidate for such office. This does not apply to members of the legislature or judges of the supreme or superior courts.

PART II

ARTICLE VII. REVENUE AND TAXATION

Property Taxed.—It is now provided by this article of the constitution that all property in this state which is not exempt under the laws of the United States or the constitution of this state, shall be taxed in proportion to its value in a manner to be determined by law. The legislature is authorized to pass laws for the uniform assessment and taxation of all property in the state, according to its money value. It is the purpose of all such laws to make each dollar of value in property, whether owned by individuals or corporations, bear its share of the burden of government. As the raising of revenue is one of the most important questions of government, the legislature has passed many laws for the listing of property for taxation and the raising of money for the support of the government in state, district, county, city, town, and township. See pages 21, 22, 39, 40, 50-53, 150, 151.

Assessment Exemptions.—All public property, as well as all property owned and used exclusively for religious or educational purposes, is exempt from taxation. For a full list of exemptions, see page 52.

General Provisions.—Corporations are to be taxed as individuals. No tax can be levied except as provided by law. All taxes except road tax are payable in money. Cities,

towns, and villages are granted certain powers to tax property for local improvements.

ARTICLE VIII. STATE DEBTS

Prohibition.—Article VIII provides that the credit of the state cannot in any measure be given or loaned to any individual, association, or corporation, and the debts of individuals or corporations cannot be assumed by the state, unless they were incurred for the benefit of the state, in time of war.

Limit of Debt.—The state may contract debts not to exceed four hundred thousand dollars to supply deficits in revenue, or to meet expenses not otherwise provided for. Money borrowed on the credit of the state must be used for no other purpose than that for which it was obtained. The state may also contract debts in excess of the above amount for its defense in time of war, insurrection, or invasion. Certain other debts may be authorized by special act of the legislature, but no law of this kind can take effect until it has been ratified by a majority vote of the people, at a general election.

Counties; Cities.—Counties, cities, and towns are prohibited from giving or loaning their money, property, or credit in aid of any person, association, company, or corporation, except for the necessary support of their poor and infirm. These political divisions are also forbidden to own stock or bonds of any association, company, or corporation.

ARTICLE IX. EDUCATION

Duties of State.—The constitution makes the following declaration: "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on ac-

count of race, color, caste, or sex." The legislature is authorized to establish a general and uniform system of public schools to include such common, high, normal, and technical schools as may be necessary to provide for all the needs of popular education for the people of the state. All the money derived from the common school fund and the state tax for common schools must be used only for the support of the common schools.

School Funds.—The principal of the common school fund must always be permanent. This fund is derived from appropriations by the state; donations made by individuals for the support of the common schools; the proceeds of lands and other property which revert to the state by forfeiture; the proceeds from the sale of timber, stone, minerals, or other property from state or school lands, unless the same is to be disposed of by law in some other manner; five per cent. of the proceeds of all public lands within the state which belonged to the United States and which have been sold, or shall be sold, after the admission of Washington as a state; also the money received from the sale of all public lands which have been, or may be hereafter, granted to the state for the benefit of the common schools. The legislature is authorized to increase this fund, if it so desires. The interest derived from the investment of the permanent school fund, together with the income from the rental of school lands, must be apportioned among the school districts of the state for the current use of the common schools. (See pages 39, 60.)

Other Provisions.—The constitution declares that all schools supported, wholly or in part, by the public funds, shall be forever free from sectarian control or influence. All losses to the permanent school fund occasioned by fraud or mismanagement must be assumed by the state as a perma-

ment debt, and the state must pay six per cent. annual interest on the amount of the debt. Such debts are not included in the four hundred thousand dollar indebtedness permitted in another part of the constitution. The loaning of the permanent school fund is properly safeguarded in all the states, and losses to that fund seldom occur anywhere.

ARTICLE X. MILITIA

Military Duty.—All able-bodied male citizens of the state, between the ages of eighteen and forty-five years, except such as are exempt by the laws of the United States, or the laws of this state, are subject to military duty. Mostly, the militia is unorganized, only a small portion of the number of persons subject to military duty being properly organized and equipped for service. The legislature has, at different times, passed such laws for arming, equipping, and training the organized militia, or “national guard of Washington,” as have been necessary to comply with the regulations adopted by congress for the government of the militia of all the states.

The governor is commander in chief of the militia and may call it out, at any time, when the public safety requires it. His powers are limited to this state only, and he cannot send a member of the militia out of the state against his will.

Other Provisions.—Laws have been passed for the proper protection and safe-keeping of the arms of the state. Members of the militia are privileged from arrest during attendance at musters and election of officers, and in going to and returning from the same, except for treason, felony, or breach of the peace. Persons having conscientious scruples against bearing arms, are exempt from military duty in time of peace. Such persons may be required to pay an equivalent for such exemption. The biennial appropriation made by the tenth

legislature for the support of the organized militia is ninety-eight thousand dollars.

ARTICLE XI. COUNTY, CITY, AND TOWNSHIP ORGANIZATION

Counties.—Article XI provides that the counties of the territory of Washington shall be recognized as legal subdivisions of the state. No county seat can be changed except by a three-fifths majority vote of all the electors of the county, at a general election held for that purpose, and a proposition to change the location of a county seat must not be submitted oftener than once in four years. No new county can be formed by reducing any existing county to a population of less than four thousand, and no new county can be organized with a population of less than two thousand.

Counties and Townships.—The legislature is required to establish a uniform system of county government, and to provide for a township organization in each county. All laws for the government of townships and counties are to be uniform in their application. Each county elects its own officers, and the same rule applies to each minor political division. The duties, term, bond, and salaries of all such officers are determined by law. Vacancies in office in any county, or its political subdivisions, are filled by appointments made by the board of commissioners of the county in which the same shall occur. Such appointments cover the time to the next general election. The legislature fixes the compensation of county and township officers, whether by salary or fees, and provides for the manner of payment. Every county is required to pay its share of taxes for the support of the state as shown by the value of the taxable property it contains.

Cities and Towns.—This article authorizes the legislature to pass general laws for the incorporation of cities and towns within the state. Cities having a population of twenty thousand, or more, are permitted to adopt charters for their own government, in a manner prescribed by law. Any county, or minor political division, may make local, police, and sanitary regulations for its own government, not in violation of the general laws of the state. Taxation for local purposes is under the direction of local authorities.

The making of profit, in any manner, from the use of public money by any officers to whom it is intrusted, is declared to be a felony and to be punishable as such. All public money, obtained by a public officer from any source, must at once be paid over to the custodian of the fund designated by law for that purpose.

ARTICLE XII. CORPORATIONS OTHER THAN MUNICIPAL

Private Corporations.—Article XII provides that corporations may be formed under general laws only. As the provisions of this article are more technical than general in their scope, and therefore less interesting to the average high school student, a full discussion of the article will not be given. It is suggested that the student turn to the constitution, at this time, and read again the article as it will be found there.

ARTICLE XIII. STATE INSTITUTIONS

Provisions.—The constitution requires that the state shall establish and foster such educational, charitable, and penal institutions as shall be necessary to promote the general welfare of all classes of people within the state, to care for its unfortunates, and provide for the custody of its criminals.

A discussion of the different institutions thus authorized is given in Chapter XIV, pages 189-200 of this volume.

ARTICLE XIV. SEAT OF GOVERNMENT

State Capital.—The legislature has no power to locate or change the seat of government of the state of Washington. The electors of the territory, at the time the state was admitted, voted to locate the capital at Olympia, which had been the territorial capital. Subsequently, the seat of government was permanently located there, by vote of the people of the state. The seat of government can be changed only by a two-thirds majority vote of all the electors of the state, at a general election held for the purpose of changing the location of the state capital.

ARTICLE XV

Harbor Lines and Areas.—By the terms of article XV, a commission was provided to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays, and inlets of this state that lie within a mile on either side of the corporate limits of any city bordering on such body of water. The state is forbidden to give, sell, or lease to any one any rights whatever in the waters beyond such harbor lines. The legislature is authorized to enact general laws for the leasing of such water fronts for the use of wharves, docks, and other structures for a period not exceeding thirty years.

PART III

ARTICLE XVI. SCHOOL AND GRANTED LANDS

Public Lands.—All the public lands granted to the state of Washington are held in trust by the state for all the people. Provision is made for the sale of such lands at a proper valua-

tion. Whenever a piece of school land is to be disposed of, it is first appraised, and afterwards sold at public auction to the highest bidder, at a price not less than the appraised value. The sale of school lands is to extend over a long term of years. No more than one hundred and sixty acres of school land are offered for sale in one parcel, and all such lands within the limits of an incorporated city, or within two miles of the boundary of such city, must be platted in five-acre tracts, when the appraised value is more than one hundred dollars per acre. In such cases, only one block of five acres is offered for sale in one parcel. It is further provided that none of the permanent school fund of the state can be loaned to any person or corporation. It must be invested in national, state, county, municipal, or school district bonds.

ARTICLE XVII. TIDE LANDS

State Claim.—The state of Washington lays claim to the beds and shores of all navigable rivers within the state and up to the line of ordinary high tide in waters where the tide ebbs and flows. The state does not claim any tide, swamp, and overflowed lands, patented by the United States, unless it is found that the right to a patent may be impeached for fraud.

ARTICLE XVIII. STATE SEAL

Seal of the State.—The constitution of the state provides for a seal of state in the following language: "The seal of the state of Washington shall be a seal encircled with the words, 'The Seal of the State of Washington,' with the vignette of Gen. George Washington as the central figure, and beneath the vignette, the figures '1889.'" (See frontispiece.)

ARTICLE XIX. EXEMPTIONS

Protection.—“The legislature shall protect from forced sale a certain portion of the homestead and other property of all heads of families.” All the older states have found it wise to make similar provisions, and the results are found to be very satisfactory. It is sometimes thought that dishonest persons may attempt to take advantage of the protection offered by such laws, but in general much good results from the enactment of such laws.

ARTICLE XX. PUBLIC HEALTH AND VITAL STATISTICS

State Board of Health.—In accordance with the provisions of article XX, the legislature has established a state board of health and a bureau of vital statistics connected with it. This board has many important duties to perform. The statistics gathered are of great interest, as they contain much valuable information concerning the life of the people, the prevention of the spread of contagious diseases, and other items relating to the general welfare of the people. Laws have also been passed to regulate the practice of medicine and surgery and the sale of drugs and medicine.

ARTICLE XXI. WATER AND WATER RIGHTS

Public Rights.—The use of the waters of this state for irrigation, mining, and manufacturing purposes is considered a public use. This is one of the very important provisions of the constitution. The arid and semiarid agricultural lands of the “Inland Empire” are made to “blossom as the rose” by the use of the water of the rivers, which is conveyed to them for irrigation purposes. Mining and manufacturing

are largely dependent upon the free use of the water powers of the state.

ARTICLE XXII. LEGISLATIVE DISTRICTS

This article was superseded by act of the legislature in 1901 and by later acts. See pages 126-128, 139.

ARTICLE XXIII. AMENDMENTS

Manner of Amending.—It is evident that no constitution can be prepared to meet the wants of all future times and generations. The best governments on earth are imperfect and require alterations from time to time. All constitutions provide for their own amendment, but the process differs in different states. In Washington, an amendment may be proposed in either house of the legislature, and, if any proposed amendment passes both houses by a two-thirds majority of all the members of each house, such amendment is entered on their journals with the ayes and noes thereon. It is then the duty of the legislature to have the proposed amendment published in a weekly newspaper in each county in the state for three months preceding the next general election. If a majority of the votes cast at such election are in favor of the proposed amendment, the amendment becomes part of the constitution. Two or more amendments may be submitted at the same time, but they must be so arranged as to give the electors the right to vote on each one separately.

Convention.—A convention to adopt a new constitution or amend the present one is also provided for. Whenever two thirds of the members of each branch of the legislature decide to call such convention, they submit a proposition to that effect to the qualified voters of the state at the next general election. If a majority of the voters, at that election,

favor it, the legislature, at its next regular session, makes the necessary arrangement for holding the convention. The number of members must not be less than the membership of the house of representatives. If a constitution is adopted by a constitutional convention, it must be submitted to the people for approval or rejection. When approved, the new constitution takes the place of the old one. If the proposed constitution is rejected by the people, the old one remains as the fundamental law of the state.

ARTICLE XXIV. BOUNDARIES

Boundaries of the State.—The boundaries of the state of Washington are fixed in the constitution. Turn to page 106 and read this article.

ARTICLE XXV. JURISDICTION

United States; State's Process.—Article XXV admits the authority of the United States as supreme in its control of lands held by the general government for the erection of forts, arsenals, coast defenses, lighthouses, and other needful buildings of similar character. To prevent conflict in the claim to such parcels of land, the government of the United States is required to file proper plats showing the land reserved for such purposes, together with the necessary deeds or patents to establish ownership. These papers are to be filed with the county recorder of each county by the state of Washington to enable its officers to serve any civil process issued by the courts of the state or any criminal process, upon any person upon these tracts, for any crime committed outside of the tracts so held. The purpose of this provision is to prevent persons from claiming exemption from state authority because they are on property owned by the United

States. It is intended that there shall be no conflict in authority between the state of Washington and the national government.

ARTICLE XXVI. COMPACT WITH THE UNITED STATES

Provisions.—Article XXVI cannot be changed without the consent of the United States and the people of this state. Its first section guarantees absolute freedom to the people of this state in all matters of religion. The next section renounces all claims to the unappropriated public lands and to all land owned or held by Indians or Indian tribes. It also agrees that nonresident landowners, citizens of the United States, shall not be taxed on their lands in this state more than residents of the state are required to pay, and that the United States shall not be taxed on any of its lands within this state. The third section provides for the payment of all debts and other liabilities of the territory of Washington by the state after its admission. The last section provides that a system of public schools shall be established and maintained, free from sectarian control, and open to all children of the state.

ARTICLE XXVII. SCHEDULE

Provisions.—The schedule provides that all the functions of government exercised by the territory of Washington should be extended to the new state without conflict or inconvenience. The legislature was authorized to pass all laws necessary to carry the constitution into effect. All laws that were in force at the time the constitution was adopted, and not inconsistent with it, were to remain in force until they expired or were repealed. All public officials under the territorial government were to continue in office until their successors were chosen under the new state government. Seals for the supreme and

superior courts, and those for counties and municipalities, were provided for. The legislature of the state was authorized to pass laws for the election of all officers whose election is not specially provided for by the constitution, and to fix the term of office of each. The schedule also includes a number of other provisions of only temporary effect. The student should read it to see how carefully the interests of the new state were safeguarded.

CHAPTER XIII

HISTORY OF WASHINGTON

Early Explorers.—Upon the discovery of the Pacific by Balboa, in 1513, Spain laid claim to all the land bordering on that ocean. Several expeditions for the exploration of what is now the western part of the United States were sent out by Spain, and Ferrelo is supposed to have sailed as far north as latitude $42^{\circ} 30'$. As the "right of discovery" of new lands gave possession to the nation sending out the expedition, Spain laid claim to the lands along the Pacific. No attempts at settlement were made by the Spanish for many years.

English Explorations.—Sir Francis Drake, a bold English navigator, fitted out an expedition in 1577, and sailed along the west coast of America, after passing through the strait of Magellan. It is more than probable that his chief purpose was to plunder Spanish merchant vessels, and to get rich by helping himself, through force of arms, to the gold and silver which the Spaniards had obtained from the Indians in much the same way. He is said to have reached a point as far north as latitude 48° and, if so, he must have explored part of the coast of Washington. Many years later, further explorations were made along the west coast, by England, Russia, and the United States. The Hudson Bay company was an important factor in strengthening the claim of England to the territory.

Lewis and Clark.—Twenty years before the purchase of Louisiana by Jefferson, that noted man began the agitation of a plan to explore the territory west of the Mississippi. His interest in this matter led to the Lewis and Clark expedition, which was begun in 1803. The complete history of this famous expedition as it is contained in the journal kept on the journey, reads like a fairy tale. Their course lay up the Missouri river, across the continental divide, then down the Clearwater, Snake, and Columbia rivers to the Pacific. They reached St. Louis on their return trip in September, 1806. Their discoveries and explorations were of great value to the young American republic.

Joint Occupation.—By various treaties made between 1818 and 1824 Spain ceded to the United States all her claim to the coast north of 42° north latitude; Russia ceded to England all her claim to the coast south of $54^{\circ} 40'$; and England and the United States agreed that, temporarily, the land between these limits, called the "Oregon country" should be occupied jointly by the two nations.

"Fifty-Four Forty or Fight."—This was a party cry of the democrats in the presidential elections of 1844. The settlement of the northwest boundary line of the United States had been the cause of many disputes with England. The United States asked for a boundary extending along the parallel of $54^{\circ} 40'$ north latitude. It was to be that, said the democrats in 1844, or fight. But this meant that the whole Oregon country should belong to the United States. England insisted that the territory be divided, and proposed that the boundary should begin at the intersection of the forty-ninth parallel with the Columbia and follow that river to its mouth. Had that been agreed to, all that portion of the state of Washington lying west of the Columbia would doubtless be a part

of the province of British Columbia, at the present time. After much discussion and the possibility of war with England, a compromise was reached, by the terms of which the parallel of forty-nine degrees north latitude was made the northwest boundary of the United States, in 1846. The land thus acquired was now provided with a government by congress, and was called Oregon territory.

Settlement.—The earliest settlements in Washington were made in Vancouver, Cowlitz, Port Townsend, and along Bellingham bay. The Hudson Bay company had established a trading post at Nisqually in 1833, and, twelve years later, the first American settlement along Puget sound was begun. In 1853, the year that Washington was separated from the territory of Oregon, mills were located at Seattle and elsewhere along the sound, and with these, permanent settlements were established. The population of the entire territory of Washington, in that year, was less than four thousand.

Growth.—The mining excitement which began in 1858 attracted thousands of people to the Northwest. Not much permanent good resulted to the territory from this mad rush for gold, but, here and there, a few people remained to form permanent settlements. Walla Walla began to grow to a town of considerable importance about this time. Washington made very little progress during the years of the Civil War and for a while after its close.

Dr. Marcus Whitman.—Among the early missionaries sent out from the eastern states was Dr. Marcus Whitman, who came to Walla Walla in 1836. He was a man of tireless energy and unusual ability, just such a character as was needed to help shape the destinies of a new country. This was before the days of railroads, and Dr. Whitman, with his estimable wife, made the journey overland from their home in

New York. Their lives, in the new frontier home of their choice, were full of hardship and suffering, but they did a grand work. After the loss of their only child by drowning, this worthy couple adopted a family of seven orphan children, whose father and mother had both died in crossing the plains. In 1842 Dr. Whitman made a famous journey to the east, and the next year returned with a large band of American settlers.

Indian Massacre.—Dr. Whitman did splendid missionary work among the Indians, only to fall a victim to their treachery. Much of his time was given to the care of the sick among the Indians, and the last day of his life was spent in that work. On November 29th, 1847, while he was talking with one Indian, another one struck him on the head with a tomahawk, killing him. The death of Dr. Whitman was the beginning of a massacre of the whites. Fourteen persons, including Mrs. Whitman and two of their adopted children, were among the slain. About forty women and children of the settlement were carried away into captivity.

Indian War.—The years 1855 and 1856 are noted for an Indian uprising over the territory of Washington. There were more than twenty-one thousand Indians in the territory at that time, and they looked with suspicion and hatred upon the whites who were settling the country. Nearly all the small unprotected settlements were surprised, and many of the settlers were killed by the Indians. The aid of the general government was invoked, and one of the officers sent to help subdue the Indians was Lieutenant Philip H. Sheridan, who afterwards became so noted in the Civil War. Governor Stevens took an active part in making treaties with a number of the tribes. He also led the troops in person on several occasions. No complete record can be made of the number

of whites who lost their lives during the time the war was in progress, but the number was so great as to retard the growth of the territory for several years. As usual in such contests, the Indians were the losers. In every engagement, their loss was much greater than that of the whites, and, in the end, they were obliged to sue for peace.

Growth.—The territory of Washington began to show signs of great growth in 1870, and, while there have been periods of hard times, the development, especially during the past two decades, has been very rapid. At first, lumbering was the only industry of importance. This was followed by the mining of coal and the various metals. The fisheries of the Puget sound country soon attracted the attention of thousands of people. The raising of horses, cattle, and sheep became the leading occupation of the people east of the Cascades. This was followed by the raising of wheat, especially in the "Big Bend" and Palouse sections. With the advent of irrigation in recent years, fruit raising has made famous the names of Wenatchee, North Yakima, Okanogan, and many other places in the state, the world over.

Railroads.—The Northern Pacific was the first railroad of any importance to be constructed in the state of Washington. This was followed by the Great Northern, in the course of a few years. No other part of the United States is now enjoying a greater era of railroad building than is the state of Washington. The Chicago, Milwaukee, and Puget Sound line was finished, ready for through passenger service from Chicago to Tacoma, in 1910. Branches and feeders from these three main lines are being built in all directions wherever the natural advantages seem to warrant the construction of a railroad. The "Inland Empire" electric line with two hundred and twenty-five miles of road has done a great work in

developing eastern Washington, and several interurban lines are doing a similar work with Seattle as the central point for distribution. When the water powers of the state are fully utilized for the development of electricity, electric roads will become a very important factor in the advancement of the state in commerce, manufacturing, and mining.

CHAPTER XIV
STATE INSTITUTIONS
PART I

State University.—The state of Washington has been very liberal in establishing the higher institutions of learning, but the foundation for the permanent fund of each institution



Auditorium of the University of Washington

was laid by the congress of the United States, when it passed the enabling act for the admission of Washington into the Union. The state university was organized at Seattle, in 1861, and that has been its location ever since that time.

Purpose.—The University of Washington was established for the purpose of furnishing young men and women of the state the best means of obtaining a liberal education. Early in the history of the country, congress passed a law granting to each new state two full townships of land within its borders to aid in establishing a state university. The success of this plan was so great that much larger grants of land were made in later years for the same purpose.

Enabling Act.—The grants of land provided for by the enabling act under which Washington was admitted were as follows:—Sections sixteen and thirty-six of each township for the support of the common schools. These lands were to be sold at not less than ten dollars an acre, the proceeds to be placed in the permanent school fund of the state. To this was added five per cent. of the proceeds of the sale of all public lands within the state.

One hundred and thirty-two thousand acres were granted for the erection of public buildings at the state capital. The grant of two townships as stated above for the state university, ninety thousand acres for an agricultural college, one hundred thousand acres for a scientific school, and two hundred thousand acres for the founding of state charitable, educational, penal, and reformatory institutions shows great liberality on the part of the general government. One half of the last named grant was afterwards set apart by the legislature for the support of the university of Washington.

Courses of Study.—It is the intention of the board of regents to make the university of Washington worthy of the name. The courses of study provide full instruction in the liberal arts, law, medicine, dentistry, pharmacy, classical, and scientific courses, as well as such elective or special courses as may be required to meet the demands of its students.

State College.—The state college of Washington was first known as the state agricultural college, experimental station, and school of science. This was the general name given by congress to institutions of like character receiving grants of land from the general government. In many of the states, the name of state college is now applied to these schools. The state college is located at Pullman, Whitman county, and there is also an experimental station maintained at Puyallup.



State College, Pullman

Purpose.—The purpose of the college is to furnish instruction in the branches of study relating to agriculture and the mechanic arts, without excluding other classical and scientific studies. The courses provide for the systematic study of agriculture and dairying, stock raising, veterinary science, civil, mechanical, and electrical engineering, and a special course in domestic science. Tuition is free to all residents of the state, of suitable age.

Normal Schools.—Three state normal schools are supported by the state of Washington. They are located at Cheney, Bellingham, and Ellensburg. The purpose of these schools is thoroughly to prepare their students for the work of



The Normal Schools of Washington at Cheney, Bellingham, and Ellensburg

teaching. Model schools, in which each applicant for graduation is required to teach a specified time, are maintained at all the normal schools, and there is also a course provided in manual training.

Courses of Study.—The laws of the state prescribe the following courses of study for each normal school: An elementary course of two years; a secondary course of two years; advanced courses of two years; a complete course of five years; and an advanced course of one year for graduates of colleges and universities. Entrance upon any of these courses is based upon a preliminary examination to test the applicant's fitness for the work desired. Certificates are conferred upon graduates of these schools, permitting them to teach in the public schools of this state, for two years or longer, according to the course completed.

School for Defective Youth.—The Washington school for defective youth was established by the territory of Washington, at Vancouver, in 1888. To this school were sent the deaf and dumb, blind, and feeble-minded children of the state, for several years. In 1895, an institution for the training of feeble-minded children was established at Medical Lake, and such children have since been cared for there. The institution at Vancouver is now called the state school for the deaf and the blind. The one at Medical Lake is known as the state institution for the feeble-minded.

Courses of Study.—Blind pupils are given instruction in all the common branches and in many others usually taught only in the best high schools. Music receives special attention, and musical instruments of all kinds have been provided for the use of the pupils. The girls are taught to sew, knit, crochet, and to do many other useful things. The boys receive special instruction in the arts that will enable them to



State School for the Deaf and the Blind, Vancouver

be self-supporting. The instruction given to deaf children also is of a very practical kind, and the course of study is designed to be specially helpful to them in adult life.

Feeble-Minded Children.—The state does well to provide for the training, instruction, care, and support of its feeble-minded children. The state institution for the care of feeble-minded children is open to all persons of school age who, by reason of defective intellect, are unable to acquire an education in the public schools of the state. Nonresident pupils may be admitted to this institution under certain conditions. The instruction given is of such a character as will be of the greatest benefit to the pupils. Particular attention is given to the care of this class of unfortunate children in all the states, and the good results obtained fully justify the outlay.

PART II

Penitentiary.—The state penitentiary is located at Walla Walla, on ground donated to the territory of Washington by

the people of that city, for that purpose. Public offenses are of two kinds—felonies and misdemeanors. A felony is a crime which is punishable by death, or by imprisonment in the penitentiary. All other crimes are misdemeanors.

Government.—The general management of the penitentiary is vested in a board of directors. This board elects



State Penitentiary, Walla Walla

a warden who is responsible for the government and discipline of the inmates, and the receipts and disbursements of all moneys belonging to the prison. The warden is required to give bonds to the state in the sum of twenty-five thousand dollars, conditioned upon the faithful performance of his duties. His term of office is four years.

Labor.—All able-bodied convicts are required to labor a certain number of hours every day. Crushing rock, making brick, manufacturing jute fabrics, and crushing rock for use in building roads, are the things named in the law that shall

to them. Boys of sane mind, between the ages of eight and sixteen years, and girls of sane mind, between the ages of eight and eighteen years, may be sent to this school under certain conditions. Any such person who has been convicted of any crime less than murder or manslaughter, or one who is incorrigible or a menace to society may be sent to this school by the judge before whom the examination is held. The management of this school is in charge of the state board of control. A full report of the condition of the school is made to the governor biennially. The boys' department is under the direction of a superintendent, and a matron has charge of the girls' department. These departments are entirely separate. The school is located at Chehalis, in Lewis county.

Training.—Concerning the instruction to be given at this school, the law says: "All the branches taught in the public schools of the state shall be taught in the reform schools, and the inmates shall be taught and trained in morality, temperance, and frugality, and they shall also be instructed in the different trades and callings of the two sexes as far as possible, in the scope of the institution."

Hospitals for the Insane.—The first hospital for the insane was located at Fort Steilacoom, Pierce county, in 1886, and the second, at Medical Lake, Spokane county, in 1888. The former is the western Washington hospital for the insane, and the latter, the eastern Washington hospital for the insane. Both institutions are under the management of the state board of control. The chief officer of each hospital is a superintendent who is appointed by the board of control. The superintendent must be a skillful practicing physician, and he must reside at the hospital. He has entire control of the patients under his charge, and he appoints the subordinate officers and employees of the hospital.

Commitment of Insane.—The judge of the superior court of each county is the local commissioner of insanity. Whenever any insane person is reported to the judge of the superior court by some one having knowledge of the condition of the person so affected, the statement being made under oath, it is the duty of the judge to have such person examined as to his sanity. The examination is conducted before two reputable physicians, or before a jury which may be sum-



Eastern Washington Hospital for the Insane, Medical Lake

moned at the request of the person to be examined, or of some one acting for him. If, after a careful examination, the person is adjudged insane, he is ordered by the judge to be sent to the insane asylum. Many cases of insanity are only temporary, and yield to proper treatment. Everything is done to improve the condition of the insane, but many cases are found to be incurable.

Soldiers' Home.—The soldiers' home supported by the state of Washington, is located at Orting, Pierce county. All honorably discharged Union soldiers, sailors, and marines, soldiers of the Spanish-American war, and members of the state militia, if bona fide citizens of this state, are entitled to

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admission to the home. The rules governing the home provide for the general welfare of those enrolled. The sick and infirm receive special care, and everything is done to insure a comfortable home for all the members. Similar homes are maintained in all the northern states; the general government supports a national home for old soldiers at Sawtelle, California, and nearly all the southern states support similar homes for confederate soldiers.

BOOK II. THE NATION

CHAPTER I

FORMS OF GOVERNMENT

Origin of Government.—From the earliest history of mankind, there have been leaders among men, and from the apparent necessity for leaders in all classes and among all conditions of society, various systems of government have been developed. When there were few people on the earth, government was a simple matter, for, when the interests of individuals seemed to conflict, trouble was avoided by the withdrawal of one to the right hand and of the other to the left.

Patriarchal.—The family is of necessity the unit in government, and the father, as the head of the family, represents the first idea of ruler. Patriarchal government means a government by the father. As families increased in number, those closely related were united into a tribe, and the leader of the tribe was one of the patriarchs, or fathers. This form of government prevailed among the Hebrews in early times, and it exists among the Indians in our own country to-day. It is also an essential element of all good popular government.

Theocratic.—A theocracy is a form of government in which the laws are given by revelation from God. The ten commandments, or decalogue, given to Moses on Mount Sinai, were the basis of this form of government among the ancient Hebrews.

Monarchial.—When a crisis arose in the history of any people, it was perfectly natural for them to seek some prominent person from their own number, or for some self-appointed leader to undertake the work of saving the nation. This led to the monarchial government, or the rule of one person. The monarchial form of government was developed from the parental form, and some of the most powerful governments that have ever existed have been monarchies.

Powers of Monarch.—Monarchy is a general term, and the chief ruler is called a monarch. Special names are given to the monarchs of different nations, as king, queen, emperor, czar, sultan, etc. The power of some monarchs is limited by a constitution and laws, while others are “a law unto themselves.” According to the power the sovereign has over his subjects, a monarchy is said to be either absolute or limited. England and Germany are good examples of limited monarchies, and Russia and Turkey until recently were notable examples of an absolute monarchy.

Title to Throne.—With reference to the title of the ruler to the throne, monarchies are either hereditary or elective. Elective monarchies have not been numerous at any time in the world’s history, and, in fact, the idea of a popular election of a monarch seems, in the nature of things, an impossibility. In an hereditary monarchy, the succession to the throne is generally established in a royal family. The line of succession is usually from the father to the oldest son. In some monarchies, if there are no sons living, the daughters of the sovereign are considered in the line of succession, in the order of their ages, beginning with the eldest, while in others no woman can succeed to the throne.

Aristocratic.—An aristocracy is a necessary attendant upon monarchy. Aristocracy means a government by the

best, and, if the word could always be used in its literal sense, such a form of government would not be a bad one. An inherited title of best is not always a sure sign of goodness, and some aristocracies, instead of being governments by the best, have been governments by the worst.

Growth.—During the middle ages, and especially while the feudal system was in process of development, there grew up among the principal nations of Europe, a number of rich and powerful families that often exercised as great influence in governmental affairs as did the rulers themselves. Sometimes the nobles were not only “the power behind the throne,” but they often usurped the power of the sovereign and became, in reality, the rulers of the realm.

English Nobility.—In England, an elaborate system of nobility is still maintained. It consists of members of the royal family, four archbishops of England and Ireland, and the five orders of nobility, duke, marquis, earl, viscount, and baron. A duke was at first a military leader, and it is easy to see that, in the development of an aristocracy, the successful leaders in battle would be given the highest place. Marquis was also a military title conferred upon an officer whose duty it was to guard the marches, or frontiers, of the kingdom. Earl is an English title equivalent to that of count in Germany and other continental countries of Europe. The wife of an earl is called a countess. An earl had the right to rule over a division of a kingdom equivalent to a county. The earl often delegated his power to a vicecount, or viscount, whose duties were quite like those of a sheriff. The viscount is the title next lower in rank than earl. The barons had charge of smaller tracts of land than the earls, and they were, therefore, of lower rank. Baron is now the lowest order of nobility.

“The Grand Model.”—Only one attempt was ever made to establish an aristocratic form of government in the United States. The noted philosopher, John Locke, was employed to draft a constitution for the Carolinas, in 1672, and a system of titled nobility was a part of the plan that he proposed. But his “grand model” proved a grand failure.

Democratic.—A democracy is a form of government in which, in theory at least, the will of the people is law. The term signifies the power of the people. A pure democracy is possible only in a country having a very limited area and a small population. Under this form of government, all the people are supposed to have an equal share in the administration of the government. The nearest approach to a democracy in this country is found in the New England town meeting, and in similar local gatherings in other sections.

Republican.—A republic is a natural outgrowth of democracy. It is impossible for a people, large in numbers and occupying much territory, to meet at one place for the purpose of making laws. In a republic, the powers of the people are delegated to representatives chosen by the people themselves, or appointed in a manner approved by the people. The United States furnishes the best example of a republic known to history. France and Switzerland are the great republics of Europe, but they differ in many respects from the United States. Mexico, the Central American states, and all the independent governments of South America are republics.

CHAPTER II

THE THIRTEEN COLONIES

Settlements in the United States.—For nearly a century after the discovery of America by Columbus, no permanent settlements were made in what is now the United States. Spain, England, France, Sweden, and Holland, however, sent out various explorers and laid claim to territory along the Atlantic seaboard by the so-called right of discovery and occupation. In the early part of the seventeenth century, settlements were made by each of these nations with a view to making good its claims.

Conflicting Claims.—Spain claimed the whole continent, but did not plant any permanent settlements north of Florida. The conflicting claims of England and France finally led to a struggle between these two great powers that was to decide which of them should direct the destinies of northern America. This contest, known as the French and Indian war (1754-1763), gave to England the control of Canada and of that portion of the United States which is east of the Mississippi and north of Florida.

English Colonies.—The Dutch and Swedish settlements along the Atlantic coast, meanwhile, had been conquered or absorbed by the English, so that the English colonies extended from Maine on the north to Georgia on the south. They included what are commonly known as “the thirteen original states,”—New Hampshire, Massachusetts, Rhode

Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Government.—The government of the English colonies was patterned after the government of England. Each colony had a legislature, partly elected by the people, which levied taxes and made laws. Each colony had a governor, who represented the king, and who appointed judges and other officers. The governor usually had more power than the governor of a state has now, for he could summon and adjourn the legislature whenever he liked, and no bill could be passed over his veto. The governors were often arbitrary and despotic, and conflicts between them and the people were common.

Differences in Government.—Each colony was independent of the rest, and there were many differences in the several colonial governments. Three of the colonies (Rhode Island, Connecticut, Massachusetts) were governed under charters, which were granted to the colonists by the king, and gave them certain rights of self-government. Three others (Maryland, Pennsylvania, and Delaware) were proprietary colonies; that is, in each one the land was originally owned by a proprietor to whom the king had given it, together with the right to govern it, and as a result the governors of these colonies were still appointed by the descendants of the first proprietors. The other seven colonies were royal provinces: in them the king appointed the governors. The New England colonies had the town or township system of local government; the southern colonies, the county system; the middle colonies, a mixed system, with both town and county officers.

Other Differences.—The colonies had been settled in the

first place for various reasons, by people differing in politics, religion, and manner of life. In some of the colonies there were many people of non-English races. Each colony had a history of which it was proud, and there were many inter-colonial jealousies.

Steps Toward Union.—At various times it was found necessary for the colonies to combine against the Indians, and other enemies. Four New England colonies kept up a league, called the United Colonies of New England, for more than forty years (1643–85). The wars with Spain and France were the occasion for many conferences that could have but one result—the fostering of a spirit of coöperation and union. In 1754, the Albany congress was held. This was a convention of delegates to secure by treaty and presents the friendship of the Iroquois Indians, just before the great French and Indian war. The moving spirit of the meeting was Benjamin Franklin, one of the delegates from Pennsylvania. A plan of union was adopted to be submitted to the colonies for ratification, and to the king for his approval. It was rejected by the colonies because they thought it gave the king too much power, and it was rejected by the king as too democratic and as giving the colonies too much power. As we read it now, the document appeals to us as very moderate and conservative in tone. Under other conditions, it might have been the means of bringing about such a feeling of good will between the colonies and the mother country that the Revolution would have been averted.

Oppression by Parliament.—The determining cause that brought about the union of the colonies was a series of oppressive acts passed by the English parliament. The colonies, unable to unite in time of peace, or in opposition to foreign enemies, were at last driven into union to pre-

serve their liberties from being overthrown by the mother country.

Navigation Acts.—The navigation acts were passed by parliament for the purpose of controlling commerce between the colonies and the rest of the world. They provided that certain goods exported from the colonies should be carried to England only, and also that all goods exported from the colonies must be carried in English or colonial vessels, with crews composed principally of Englishmen. These laws received little attention at first, but when they were enforced in such a way as to cripple the colonies and their commerce, bitter opposition arose.

Other Laws.—England prohibited such manufactures in the colonies as would compete with English manufactures. By the molasses act (1733) it also levied a tax on sugar and molasses imported into the colonies from foreign lands. This was intended to favor the sugar planters of the British West Indies; but as a flourishing trade had sprung up between the colonies and the French West Indies, the molasses act was resented as oppressive, and was evaded by smuggling.

England's Policy in 1760.—Before the close of the French and Indian war, England decided to revive all the laws that had been passed for the purpose of raising revenue from the colonies, and to make them more binding, if possible, than was intended at first. It was claimed by parliament that the colonies should be made to help support an army for their future defense. The colonies claimed that they were entitled to representation in parliament, if they were to be taxed by parliament. This claim was denied by parliament and the king. The colonies were obstinate, and they gave voice to their sentiments in the maxim, "Taxation without representation is tyranny."

Effect.—The restrictions upon the commerce of the colonies aroused bitter opposition, and smuggling was openly advocated and practiced by those engaged in the carrying trade. This led to the issuing of what were known as writs of assistance, in 1761. These writs gave the collectors of customs the right to enter any place at any time in searching for smuggled goods. Any person who resisted such search was liable to be arrested and sent to England for trial. A storm of indignation followed. A great public meeting was held in Boston to consider the matter. The injustice of the measure was clearly and forcibly shown by James Otis and others, and the meeting adjourned with the full determination to resist the enforcement of the law. A prominent writer says of this meeting, "Then and there, was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there, the child Independence was born. In fifteen years, i. e., in 1776, he grew up to manhood and declared himself free."

The Stamp Act.—This obnoxious measure was passed by parliament in 1765. By its terms, stamps and stamped paper were required to be purchased from revenue officers, in the English colonies in America, for use in the preparation of all legal documents, deeds, bonds, notes, mortgages, and other instruments. A stamp tax was also placed upon newspapers, pamphlets, almanacs, and many other articles. The stamps varied in value from half a penny to several pounds.

First Colonial Congress.—This body, commonly called "The Stamp-Act Congress," met at New York, October 7, 1765. Twenty-eight delegates were present, representing nine of the colonies. Among the delegates were some of the most talented men in the land. After a spirited discussion on the condition of the colonies and the effect the Stamp Act

would have, if enforced, they adopted a series of resolutions which declared that no taxes ever had been or could be constitutionally imposed upon the colonies, except by their respective legislatures. A declaration of rights as Englishmen and a memorial to the king were also adopted.

Sons of Liberty.—To oppose the Stamp Act, organizations bearing the title "Sons of Liberty" were formed everywhere. These societies determined to prevent the enforcement of the Stamp Act, and in this they were successful. Some of the stamped paper was destroyed, some was seized and sent back to England, while unstamped paper was used in open disregard of the law. Some of the stamp officers were burned in effigy, and nearly all were compelled to resign. The law could not be enforced.

Repeal of the Stamp Act.—After much discussion, parliament repealed the Stamp Act, in March, 1766. The demand for its repeal came from the commercial classes of Great Britain as strongly as from the colonies themselves, for the colonists refused to buy English goods while the act was in force.

The Townshend Act.—Although parliament repealed the Stamp Act, it still claimed the right to tax the colonies. A year later it passed the so-called Townshend Act, laying a tariff tax upon glass, white lead, red lead, painters' colors, paper, and tea. This law met with more determined opposition, if possible, than had the Stamp Act. In 1771, therefore, all the duties provided for by it were removed except a small tax upon tea. It was thought that the colonies would not object to the payment of this tax, since by the provisions of a new law, tea intended to be sold to the American colonies was relieved from paying the regular import duty in England, and so could be sold as cheap as before.

The "Boston Tea-Party."—When it became apparent that parliament intended to enforce the payment of the tax upon tea, there was another burst of popular indignation. In the fall of 1773, shiploads of tea were sent to the principal seaports of the colonies, and officers were appointed to receive it. But many of the ships were sent back with their tea. At Boston, the governor prevented the tea ships from returning, so a party of men disguised as Indians went on board the ships, seized the chests of tea, and threw them overboard into the harbor. It is thought that about one hundred and fifty citizens of Boston, under the leadership of Samuel Adams and Paul Revere, took part in the work of destruction.

Retaliation.—As a means of punishing the people of Boston for destroying the tea, parliament, early in 1774, passed what was called the Boston Port Bill. This act provided that Boston should be no longer a port of entry until the tea that was destroyed had been paid for.

First Continental Congress.—The First Continental, or Second Colonial, Congress, as it is sometimes called, was the result of the passage of the Boston Port Bill. This body met at Philadelphia, September 5, 1774. Twelve colonies were represented by fifty-five delegates. The resolutions adopted were submitted to the colonies and met with the hearty approval of the people.

The Second Continental Congress.—Before it adjourned, the last congress had appointed another meeting to be held at Philadelphia, in May, 1775. Before that time arrived, the great war that resulted in American independence had begun. When the congress met, on the tenth of May, vigorous measures were adopted for the prosecution of the war. An army was raised, and Washington was chosen commander in chief.

CHAPTER III

THE ARTICLES OF CONFEDERATION

Independence.—On June 7, 1776, Richard Henry Lee, of Virginia, introduced a resolution in congress asserting “That



The Liberty Bell

the united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved. That a plan of confederation be prepared and transmitted to the respective colonies for their consideration and approbation.”

Adoption.—This resolution was adopted July 2, and was the forerunner of the formal Declaration of Independence (page 398) which was adopted by congress, July 4, 1776. It had been written mostly by Thomas Jefferson, one of a

committee of five appointed for that purpose. It was agreed that the Declaration should be engrossed and signed by all the members of congress. The preparation of the document, in suitable form, was not completed until August 2, and, on that date many of the signatures were affixed to it. During the progress of the signing, some one remarked that they must all hang together in the matter. "Yes, indeed," exclaimed Franklin, "or we shall all hang separately."

State Governments.—In 1775, congress had recommended that the colonies break away from the power of the king and parliament, and form state governments for themselves. This was accordingly done, each state deciding for itself just what the provisions of its constitution should be. In two cases, the charters under which the colonies had long been governed were made the basis of the new constitutions, the most important change being the substitution of the word "people" for "king."

Union of Colonies.—Even before the Declaration of Independence was adopted, congress began to take steps leading to a confederation of the colonies. Early in June, 1776, a committee had been appointed to draft a plan of government, in case independence should be decided upon. Shortly after the Declaration was adopted, this committee made its report. A long discussion followed, and it was not until November 15, 1777, that the articles of confederation were adopted.

Articles of Confederation.—This plan of government for the United States of America was submitted to the states at once, and the assent of twelve states was soon obtained. One of the provisions of the plan was that the articles were not to be binding upon any of the colonies until all had ratified them. It was not until March 1, 1781, that the delegates from Maryland signed the compact. On the fol-

lowing day, congress assembled under the new form of government.

Difficulties.—Many of the provisions of the articles of confederation seem strange to us, until we consider that the whole plan of the new government was an experiment. While it resulted in little less than failure, that very fact enabled the founders of the constitutional government, a few years later, to profit by the mistakes of the old form. The articles of confederation provided for a firm league of friendship among the states. But, even before the new government went into effect, disputes arose between neighboring states, and the common danger which threatened, in case they were unsuccessful in the war in which they were engaged, alone prevented civil war.

Provisions.—Instead of the three branches of government to which we are accustomed, the articles of confederation provided for only one branch, the legislative, and the congress consisted of but one house. There was no president, vice president, or cabinet, and no system of courts. Members of congress were permitted to serve only three years in any period of six years. There was no provision for a general treasury, and the delegates to congress were paid by their respective states. All the members of congress were elected for one year, but any state might recall any or all of its members at any time, and send others to serve in their stead. No state could have less than two, nor more than seven, members. Each state had but one vote, cast by the majority of the members from that state.

Defects.—The principal defect in the articles of confederation was that they gave the general government very little power. Congress could declare war, but could not raise an army to carry it on. Congress could apportion the number

of troops to be raised among the several states, but it could not compel a state to furnish a single soldier. In the language of a noted statesman, "Congress has the power to declare everything, but it can do nothing."

Condition of the Country.—Such a condition could not last long. Within a short time after the end of the Revolutionary war, the nation was on the verge of anarchy. Each of the states was jealous of every other state. The weakness of the central government had become evident, and very little attention was paid to the acts of congress by any of the states. At the close of the war, congress consisted of ninety-one members, but it often happened, for days in succession, that a quorum was not present for the transaction of business. In 1784, there were not more than twenty members of congress who attended the meetings of that body regularly, and they were often disheartened by the difficulties which confronted them. George Washington was a persistent critic of the articles of confederation, and as early as 1783 he wrote a letter to the governors of the states urging a stronger union.



Washington ¹

¹ Bronze statue of George Washington, property of Spokane Chapter, Daughters of the Revolution. The pedestal is made from the trunk of the first cherry tree grown in Spokane county.

CHAPTER IV

THE CONSTITUTIONAL CONVENTION

Revision of Articles.—The first action taken for the purpose of strengthening the general government was a resolution adopted by the legislature of Massachusetts, in 1785. A convention of delegates from all the states was recommended, but no definite action was taken. Later in the year, delegates from Maryland and Virginia met at Alexandria to settle some disputes about the boundary line between those states. These commissioners discussed the serious condition of the nation at large, and, before adjournment, recommended that a national commission be appointed to settle all disputes among the states.

Annapolis Convention.—In September, 1786, a trade convention met at Annapolis, Maryland, to consider the commercial interests of the United States. Only five states were represented, and nothing definite was accomplished by the meeting. Before adjourning, however, the convention recommended that commissioners be appointed to meet in convention, at Philadelphia, on the second Monday in May, 1787.

Action of Congress.—In February, 1787, congress passed a resolution urging the states to appoint delegates to attend the Philadelphia meeting, for the sole purpose of revising the articles of confederation. The appointment of delegates was made, but owing mainly to the difficulties of travel, only a small number had reached Philadelphia by the time ap-

pointed. The convention was organized on the 25th of May by the election of George Washington as chairman.

Delegates.—Each state had selected some of its ablest men to be delegates to the convention. Rhode Island alone refused to be represented. George Washington, Benjamin Franklin, Robert Morris, Gouverneur Morris, James Madison, Alexander Hamilton, James Wilson, Charles Cotesworth Pinckney, Rufus King, William Livingston, and Roger Sherman were some of the most distinguished members. Fifty-five delegates made up the convention, and the verdict of more than a century is that their work was well done.

Tribute to Members.—James Madison, in the journal of the convention kept by him, says: "There never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them than were the members of the constitutional convention of 1787, to the object of devising and proposing a constitutional system which should best supply the defects of that which it was to replace, and best secure the permanent liberty and happiness of their country."

Plans Proposed.—Three plans of government were proposed for the consideration of the convention. The first, known as the Virginia plan, was advocated by Edmund Randolph, and many of its general provisions were finally incorporated into the new constitution. Charles Pinckney, of South Carolina, presented a plan from which some help was derived in the discussions of the convention. William Patterson gave the convention what is known as the New Jersey plan. He wished to have the new government simply a confederation of states, and he hoped to bring this about by a modification of the articles of confederation. The defects of

those articles were so numerous, and the demands for a better form of government so urgent, that this plan helped the convention only in furnishing material for discussion and comparison.

Conflicting Aims.—At the very beginning of its work, the convention was confronted with two widely differing views concerning the nature of the new government. Some of the members opposed the surrender of state sovereignty to the general government. The principle of state rights, so troublesome in after years, was stoutly maintained by some of the delegates whenever an occasion presented itself during the convention. Those who favored the building of a nation instead of forming a sisterhood of states insisted that, in all things pertaining to the general welfare of all the people, the states must yield authority to the national power.

Alexander Hamilton was one of the ablest advocates of a strong central government for the nation. He asserted, "If we are to be a nation, all state distinctions must be abolished." And again he said, "A complete sovereignty should be given to the general government, such as will turn the strong principles and passions of men on its side." The advocates of the confederation of states were no less positive in the views they held. In this, as in nearly every other matter that came before the convention, concessions from the extreme views held on each side were necessary. The constitution has very properly been called "a bundle of compromises."

Work of the Convention.—The convention remained in session till September 7, 1787, four months and three days from the time appointed for its meeting. The final draft of the constitution was made by Gouverneur Morris. Several of the members objected to some minor points in the constitution, but only sixteen—among them Edmund Randolph,

George Mason, and Elbridge Gerry—refused to sign it. Every state represented in the convention was also represented among the signers of the constitution.

Two Views.—Hon. William E. Gladstone, England's "Grand Old Man," said of the constitution, "It is the greatest work ever struck off, at any one time, by the mind and purpose of man." Sir Henry Maine expressed the opposite view when he said, "The constitution of the United States is a modified version of the British constitution which was in existence from 1760 to 1787." In reality, most of the constitution was adapted from the provisions of the different state constitutions, as well as from the British plan of government.

Franklin's Opinion.—Whilst the last members were signing, Doctor Franklin, looking towards the president's chair, at the back of which a rising sun happened to be painted, observed to a few members, that painters had found it difficult to distinguish in their art, a rising from a setting sun. "I have," said he, "often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the president, without being able to tell whether it was rising or setting; but, now at length, I have the happiness to know that it is a rising and not a setting sun."

CHAPTER V

CONSTITUTION OF THE UNITED STATES

WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I

SECTION I

All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

SECTION II

1. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within

every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III

1. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

5. The senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice president, or when he shall exercise the office of president of the United States.

6. The senate shall have the sole power to try all impeachments.

When sitting for that purpose they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION IV

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties, as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

4. Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION VI

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION VII

1. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United

States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII

The congress shall have power

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9. To constitute tribunals inferior to the supreme court;

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service

of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

SECTION IX

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any state.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state, be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without

the consent of the congress, except of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION X

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No state shall, without the consent of congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

3. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

SECTION I

1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows:

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[3. The electors shall meet in their respective states and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign

and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates; and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice president.]¹

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed or the president shall be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during

¹ Superseded by Twelfth Amendment.

the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:—

“I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability preserve, protect, and defend the constitution of the United States.”

SECTION II

1. The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the congress may by law vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION III

He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall

receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION IV

The president, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

SECTION I

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II

1. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be

by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

SECTION III

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

ARTICLE IV

SECTION I

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II

1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III

1. New states may be admitted by the congress into this Union;

but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

2. The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

SECTION IV

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI

1 All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be

made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from VIRGINIA.

NEW HAMPSHIRE—John Langdon, Nicholas Gilman.

MASSACHUSETTS—Nathaniel Gorham, Rufus King.

CONNECTICUT—William Samuel Johnson, Roger Sherman.

NEW YORK—Alexander Hamilton.

NEW JERSEY—William Livingston, David Brearly, William Patterson, Jonathan Dayton.

PENNSYLVANIA—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA—John Blair, James Madison, Jr.

NORTH CAROLINA—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA—John Rutledge, Charles Cotesworth Pinckney,
Charles Pinckney, Pierce Butler.

GEORGIA—William Few, Abraham Baldwin.

Attest: William Jackson, *Secretary*.

AMENDMENTS

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of

life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

ARTICLE XI

The judicial power of the United States shall not be construed to

extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE XII

The electors shall meet in their respective states and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to

the office of president shall be eligible to that of vice president of the United States.

ARTICLE XIII

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

SEC. 3. No person shall be a senator or representative in congress, or elector of president and vice president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against

the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

SEC. 2. The congress shall have power to enforce this article by appropriate legislation.

CHAPTER VI

PREAMBLE

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Purposes.—The preamble of the constitution is the keynote of popular government. It contains, in few words, a summary of the reasons for the formation of our government, and in it there is a clear, definite statement of the needs of the nation at the time of its adoption, as well as ample provision for future ages.

A More Perfect Union.—The greatest need of the hour was that a more perfect union of the states might be formed. “We are one to-day and thirteen to-morrow” was a common assertion, and all thoughtful men realized the truth of the statement. Under the articles of confederation, the weakness of the government was due almost entirely to the lack of union among the states. It is no wonder, therefore, that the first reason given in the preamble is, “In order to form a more perfect union.”

Justice.—To establish justice among the states was also an urgent necessity. Petty jealousies had arisen among them, and each seemed to fear that its rights were abridged by the

others. Under the articles of confederation, there was no judicial branch of the government, and, therefore, no legal way of settling these disputes among the states. The condition of the old government was truly deplorable, and the members of the constitutional convention were a unit in deciding that one of the chief objects in the formation of the new government was that justice might be established.

Domestic Tranquillity.—During the years that the articles of confederation formed the basis of the government, the states were in constant trouble with their neighbors. Each state had as much to fear from dangers within its own borders as it had from outside foes. The necessity for “domestic tranquillity” was very urgent, and, as nearly all the trouble among the states had arisen from their trade relations, congress, by the new plan, was very wisely given the power to regulate commerce. In order that peace may be assured to the states, the general government has the power to put down insurrection in any of the states.

Common Defense.—The people had learned, from the war through which they had passed, that their success in time of public danger depended upon their united action. The United States could do more to provide for the common defense than could possibly be accomplished by the states themselves, each acting separately. Since the adoption of the constitution, no state has ever been engaged in war with any other state or with any foreign power. Under the confederation, each state was a sovereign power in itself, and it might declare war, conclude peace, or make alliances with foreign powers, regardless of the action of any other state. It will readily be seen that the surrender of such powers to the general government was a wise provision.

General Welfare.—To promote the general welfare of all

the states and of all the people is an important function of popular government. This work is carried on in many ways, and it is no idle boast to assert that no other government has ever done so much to benefit all classes of society as has our own. The large grants of land given by congress to foster education, especially in recent years, the improvement of rivers and harbors, our excellent postal service, and the improved civil service are but a few of the many ways in which the general welfare of the people is promoted.

Perpetuity.—The last clause of the preamble is a fitting climax. The members of the constitutional convention realized the importance of the work they had undertaken, and it was their deliberate purpose to found a government for posterity. How well their work was done has been attested by the existence of the government for more than a century.

Quotation.—“The great merit of the members of the convention is their understanding of the temper of their own countrymen. They selected out of English, or colonial, or state usages such practices and forms as experience had shown to be acceptable to the people. The convention also had the wisdom to express its work in general, though carefully stated, principles. The phrases of the constitution of 1787 were broad enough to cover cases unforeseen. A third distinction of the federal convention is the skill with which it framed acceptable compromises upon the three most difficult questions before it. The two houses of congress satisfied both large and small states; the three-fifths representation of slaves postponed an inevitable conflict; the allowance of the slave trade for a term of years made it possible for congress to perfect commercial legislation.”—Prof. A. B. Hart.

CHAPTER VII

ARTICLE I. THE LEGISLATIVE BRANCH

PART I

SECTION I. CONGRESS

All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

Branches of Government.—The plan for the formation of a general government with three branches, which should be as nearly independent of one another as possible, was advocated by Washington as early as 1784. The three branches of government provided for by the constitution are the legislative, or law-making branch; the executive, or law-enforcing branch; and the judicial, or law-interpreting branch. Each of these branches exercises its powers in accordance with the provisions of the constitution, or as provided by acts of congress which are based upon the constitution.

Legislative Branch.—The legislative branch is properly placed first in the constitution, because laws must be made before they can be interpreted or enforced. The logical order of government seems to be legislation, interpretation, enforcement, but as comparatively few acts of congress are ever passed upon by the supreme court, the order, in practice, is legislation, enforcement, interpretation. The legislative branch is given more space in the constitution than both

of the other branches, on account of its importance, and also because of a desire on the part of the members of the convention to be very explicit in outlining the work of this branch.

Difficulties of Organization.—Under the confederation, congress consisted of but one house, and there was a strong effort to organize the new congress in the same way. It was decided early in the convention that membership in congress should, in a measure at least, be determined by the population of the several states. To this the smaller states objected, because they saw that this plan would reduce their influence in the government. They preferred to remain out of the Union, as they had a perfect right to do, rather than become part of a government which would be controlled practically by a few of the larger states.

Compromise.—Parliament, the legislative branch of the English government, and various state legislatures were patterned after, in deciding to make congress consist of two houses. To compromise the conflicting views, the small states agreed to representation in the lower house based upon population, and the large states conceded to the small ones equal membership in the senate, or upper house, for all the states. The spirit of compromise alone made our constitution possible.

SECTION II. HOUSE OF REPRESENTATIVES

Clause I—Composition and Term

The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Term of Representatives.—The term of representatives is two years, and begins on March 4 of odd-numbered years. By the provisions of the constitution, that document was to be binding upon the states ratifying it, as soon as the assent of nine had been obtained. This was accomplished in 1788, and the congress of the confederation decided that on the



Hall of the House of Representatives

first Wednesday in March, 1789, the new congress should begin its work. The date fixed happened to be the fourth day of March, and thus that date became an initial day in our history. The first congress, however, as a matter of fact, did no work until April 6, because of the slow means of communication in those days, and because there was not a sufficiently large number of the members of the new congress in New York, the seat of government, until the latter date.

Washington—16

Election of Members.—The election of members of the house of representatives now occurs on the Tuesday next after the first Monday in November of each even-numbered year, except in those states whose constitutions fix a different date. Prior to 1872, each state fixed the time of the election of representatives without regard to the action of other states, but in that year congress passed a law making the time of the election of these officers the same in all the states, except in those referred to above. In Vermont, the election occurs on the first Tuesday in September; and in Maine, the second Monday in September.

Length of Service.—Under the confederation, the representative term was one year, and no person was eligible to a seat in congress for more than three years in any period of six years. The state might also recall any or all of its members of congress at any time during the year for which they had been chosen. There is now no restriction placed upon the number of terms that a representative may serve. Some members of congress have served in the house of representatives for more than twenty years, and, as might be expected, their continued service has made them among the most valuable members of that body.

The " People."—The house of representatives is so called because its members are chosen to represent the people. The term " people" as here used means the qualified voters. Each state decides for itself who may vote at the elections held within its borders. By a strange oversight, or because the convention chose not to deal with the subject, the national constitution does not even restrict the right of suffrage to citizens of the United States. The only qualification required of voters for representatives in congress is that they shall have the qualifications that the state constitution requires for

electors of the more numerous branch of the state legislature. For a discussion of these qualifications, see pages 166-168.

Clause 2—Qualifications

No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Citizenship.—The question of citizenship was for many years a troublesome one in this country, and it was not definitely settled until the adoption of the fourteenth amendment to the constitution of the United States. It seems strange to us that so little attention was paid to the two very important matters—citizenship and suffrage—by the constitutional convention.

Age.—By the clause of the constitution quoted above, it will be seen that the earliest age at which a native-born citizen of the United States may become a member of the lower house of congress is twenty-five years, and as this is only four years after the person has acquired the right to vote, the minimum age is generally considered low enough.

Aliens.—An alien must reside in this country five years before he can be naturalized by the usual process. This period, together with the seven years' residence required by the constitution, makes it necessary for an alien to have resided in the United States for at least twelve years before he can become a member of the house of representatives in congress.

Residence.—It is required that members of congress shall, at the time of their election at least, be inhabitants of the state from which they are chosen. For convenience, as well as for the purpose of carrying out the plan of close representation, each state that is entitled to more than one representative

is divided into congressional districts, and each district chooses its own representative. As the constitution does not provide for the formation of congressional districts, it is not necessary for a representative to be an inhabitant of the district he is chosen to represent, although it would be very hard, according to our present political methods, for a person residing in one congressional district to be chosen to represent some other district.

Congressional Districts.—In 1842, congress passed a law which provided for the division of such states as were entitled to more than one representative, into congressional districts, in number equal to the number of representatives to be chosen. This law met with much opposition at first, but it has long been considered the most satisfactory plan for the selection of representatives. The division of a state into congressional districts is made by the legislature thereof, at its first meeting after the apportionment of members is made by congress. This apportionment is made as soon as possible after the taking of the federal census in the last year of each regular decade. A change in the membership of the house of representatives usually occurs on the fourth day of March of the third year following the counting of the people.

Congressman at Large.—It sometimes happens that it is not practicable to change the boundaries of congressional districts in some of the states in time for the election of representatives following the new apportionment of members. In that case, the additional member is chosen from the state at large. By this plan, the voters in each congressional district vote for the member to represent them, and they also help elect the one from the state at large, as all the qualified voters of the state have a right to vote for the member at large. If the number of members to which a state has been entitled

is reduced, the law provides that all the members from that state shall be elected from the state at large, in case an election becomes necessary before a change in the number of districts can be made by the legislature.

“Gerrymander.”—It sometimes happens that the political party in power in a state will arrange the congressional districts unfairly, so as to secure for that party the election of as many representatives as possible. The same unfairness is often shown in dividing a state into state senatorial and representative districts. The first notable case of the kind occurred in 1811, while Elbridge Gerry was governor of Massachusetts. One district then formed by the party in power in that state was long and narrow, and some one likened it to a salamander in shape. It was very easy to change salamander to “gerrymander,” and thus this name for a form of political trickery came into use.

Delegates.—Each organized territory is permitted to choose a delegate to the house of representatives in congress. A territorial delegate may take part in discussions in the house, but he is not permitted to vote on any question. The term, salary, etc., is the same as for members of the house, except that the office expires by limitation upon the admission of the territory into the Union as a state.

PART II

Clause 3—Apportionment

[Obsolete parts of this clause are inclosed in parentheses.]

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, (which shall be determined by adding to the whole number of free persons, including those

bound to service for a term of years, and) excluding Indians not taxed, (three fifths of all other persons). The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative, (and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three).

Representatives.—One of the most difficult things for the members of the constitutional convention to agree upon was the basis of representation in both houses of congress. After much discussion, it was decided to apportion representatives and direct taxes among the states according to population.

Population.—In the constitutional convention, a spirited discussion arose as to what should constitute the population of the country for purposes of representation and taxation. It did not take long to decide upon the first provision of this section relating to this matter, viz.: “By adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed,” but the “three fifths of all other persons” was a compromise reached after a long dispute that threatened to disrupt the convention and prevent the formation of a union of the states altogether.

Slavery.—At the time of the adoption of the constitution, slavery existed in nearly all the states. There were several members of the convention who were bitterly opposed to slavery, and they wished to have nothing done by the con-

vention to encourage it. The status of the slave was hard to settle. If he was simply a chattel—mere property, like houses, land, or cattle—he should not be counted among the people any more than such property. If he was to be considered “of the people,” then slavery must be recognized as a traffic in human beings. By the ordinance passed by congress, in 1787, for the organization of the territory northwest of the Ohio, slavery was absolutely prohibited in that territory. The constitutional convention was fully aware of the gigantic evil that slavery was, even then, but it was unable to provide means to remove the evil, without endangering all the rest of its work.

Compromise.—As a compromise, it was decided that neither slaves nor slavery should be mentioned in the constitution, and the evasive language, “three-fifths of all other persons,” which had been used in an act of congress, in 1783, to describe the slaves, was adopted to determine the political standing of this class of persons in fixing the basis of representation. This compromise greatly increased the political power of the slave states. A hundred slaves counted the same as sixty free persons, and, as there were many slaves in the southern states, a considerably greater number of representatives was apportioned to those states than they would have had if slaves had not been counted at all in the population. The slaves had no vote, of course; but the great slave owners were very influential in state and national politics.

First Ratio of Representation.—No formal counting of the people of the United States had been made at the time the constitutional convention was in session, and on that account the assignment of members of the first congress to the different states was purely arbitrary. The convention had agreed that the basis, or ratio, of representation should be

one representative for every forty thousand people, after the taking of the first census. This number was agreed upon, after much prolonged discussion and angry debate. A short time before the work of the convention was completed, Washington, in the only formal address he made to the convention, said that in his opinion the number was too large, and it would please him to see the limit reduced to thirty thousand. The change was made at once, and without opposition.

Number of Members.—The constitution does not limit the membership of the house of representatives, except by the provision mentioned above. At first, there were sixty-five members, on the estimated basis of one representative for every thirty thousand inhabitants of the country. So rapid has been the growth of the United States in population, however, that there are now more than six times as many representatives as there were in the first congress, and besides this, the ratio of representation is more than six times as great as at first. If congress should now fix the ratio at one representative for each thirty thousand, the house would have more than two thousand five hundred members!

Apportionment.—The first census of the people of the United States was taken in 1790, and one has been taken in the last year of each regular decade since that time. After the census has been taken, congress decides upon the number of members of congress for the next ten years. The change in number does not occur till the organization of the congress in the third year after the enumeration takes place. Thus the change in the membership of the house of representatives, on account of the census of 1910, fixing the number at four hundred thirty-three, will take effect March 4, 1913. The actual method of calculating the number of members to be apportioned to each state is rather intricate. We may say,

however, that the ratio of representation is found by dividing the number representing the population of the states, exclusive of the territories and the District of Columbia, and exclusive of Indians not taxed, by the number representing the membership of the house of representatives. The ratio used in framing the act of 1911 was one representative for two hundred and eleven thousand, eight hundred seventy-seven inhabitants of the United States.

Each State Represented.—It is also provided that each state shall have at least one representative. Thus Nevada, with less than ninety thousand inhabitants, has one representative. Should new states be admitted before the next census is taken, the number of representatives is increased accordingly. The admission of Oklahoma as a state, in 1907, added five representatives to the number fixed by congress as the membership of the house of representatives, beginning March 4, 1903.

Objects of Census.—The primary object of the census is to show the number of people in the United States, but, in addition to this, very many important facts concerning the nationality, education, occupations, and general prosperity of the people are obtained by the census enumerators. A few of the states have a special census taken every ten years, but so arranged that it occurs five years after the United States census has been taken.

Enumerations.—The population of the United States, as shown by the different enumerations under federal authority, is as follows:

First census, 1790	3,929,214
Second census, 1800	5,308,483
Third census, 1810	7,239,881
Fourth census, 1820	9,633,822

Fifth census, 1830	12,866,020
Sixth census, 1840	17,069,453
Seventh census, 1850	23,191,876
Eighth census, 1860	31,443,321
Ninth census, 1870	38,558,371
Tenth census, 1880	50,155,783
Eleventh census, 1890	62,622,250
Twelfth census, 1900	76,303,387
Thirteenth census, 1910	91,972,266

PART III

Clause 4—Vacancies

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Special Election.—Vacancies in the office of representative may occur on account of the death, resignation, inability to serve, or removal of the incumbent. When a vacancy occurs in the representation from any state, the governor, or acting executive, issues a proclamation to the voters of the congressional district in which the vacancy exists, directing them to meet at a specified time for the purpose of electing a representative to fill the vacancy. Time enough is given to enable the different political parties to make nominations in the usual manner, and the procedure is, in the main, the same as at a general election. The day for the special election is named in the proclamation, and it is the same for all counties in the congressional district.

Clause 5—House Powers

The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

House Officers; Speaker.—The right of the house of rep-

representatives to choose its own officers is a very proper one. It is customary for all deliberative bodies to choose their officers, although a notable exception seems to exist in the election of the vice president, who serves as president of the senate *ex officio*. The speaker of the house of representatives is always chosen from its own members, but the other officers are not. The speaker is the chief officer of the house, and it is his duty to preside over the deliberations of that body as chairman. He is also required to keep order, decide points of parliamentary usage in debate, and sign the bills passed by the house in the process of lawmaking. He no longer appoints the standing committees.

Election.—As soon as a new house of representatives meets, its first duty is to select its officers. A list of the members of the new house has been prepared by the clerk of the last house, and, in this way, those who are entitled to seats at the time of the organization of the new body are known. Each member has a certificate of election given him by the proper authority in the state he has been chosen to represent. If it is found that any person chosen to a seat in this body has not the proper legal qualifications, or if his right to membership is disputed, in a legal manner, the contest is decided later. During the selection of the new speaker, the clerk of the last house acts as its presiding officer. The oath of office is administered to the newly elected speaker by the member who has had the longest term of service in the house, and who is called “the father of the house.” The speaker then administers the oath of office to the other officers, and to the members of the house itself, the members from each state being sworn in together.

The Mace.—The mace was adopted by the house in the first congress, and it has been in use ever since. When it is

placed on its pedestal, at the right of the speaker, it signifies that the house is in session and under the speaker's authority; when it is placed on the floor, it indicates that the house is in committee of the whole. The mace is a bundle of black rods fastened together with transverse bands of silver like the Roman "fasces." On its top is a silver globe surmounted by a silver eagle.

Clerk.—The clerk is one of the very important officers of the house. It is his duty to keep the record of the house from day to day, to take charge of all bills introduced into the house, or referred to that body by the senate, and to see that they are properly taken care of, when enacted into laws. He appoints his own assistants, sees to the payment of subordinate officers of the house, and performs many other important duties. The daily record of the business transacted by the house is kept by the clerk in a book called the journal.

Sergeant-at-Arms.—The sergeant-at-arms is the police officer of the house, and it is his duty to see that the rules relating to the conduct of its members are strictly enforced. He is sometimes sent to bring absent members to attend the session of the house, and his summons places the members under arrest. Should a member refuse to obey the order of the sergeant-at-arms, the power of the government itself would be invoked to compel obedience on the part of the refractory member. During a session of the house, the sergeant-at-arms sits facing the members, in such a position that he can readily see all parts of the room. In case of disorderly conduct on the part of the members of the house, which sometimes happens, the sergeant-at-arms carries the mace to the scene of the disorder, and the members at once respect its authority, and the disorder ceases. This officer acts as paymaster of the

house, and sees that each member receives the warrant for the payment of his salary as it becomes due.

Doorkeeper.—The doorkeeper has charge of the furnishings of the house, and, during the session of that body, it is his duty to see that no one is admitted to the floor of the house, unless privileged to go there by the rules of the house. He has charge of the galleries also, and it is his duty to maintain order about the galleries during the transaction of business by the house. During a recess of congress, the doorkeeper is the custodian of the furniture of the house, and he also sees that the hall is put in proper condition for the next meeting of the house.

Postmaster.—There is a postmaster appointed for the house of representatives, and provision is made for handling the large correspondence of its members with care and dispatch. A special post office is kept for the convenience of the house. Hundreds of tons of printed matter are sent out by members of congress to their constituents annually, and often the hardest work a member has to perform is to answer the many letters sent him from all parts of his district by those who have business to transact, favors to ask, or threats to make, because of some real or imaginary neglect of duty on his part.

Chaplain.—The chaplain is generally chosen from among the clergy of Washington. He is required to open the session of the house daily by offering prayer. For several years after the organization of the government, it was the custom for the chaplain to preach in the hall of representatives every Sunday during the sessions of congress, but this plan has not been observed for many years. The chaplain usually takes charge of the funeral services of congressmen who die in Washington, and he also helps to conduct memorial services for deceased members of the house.

Impeachment.—The house of representatives is given the

sole power of impeachment. An impeachment is a charge preferred against a public officer, accusing him of having committed high crimes and misdemeanors, or with having violated his oath of office. An impeachment is in the nature of an indictment brought by a grand jury, and it is a formal accusation for which the person accused must answer to the proper tribunal. It does not determine the guilt or innocence of the accused, but it requires him to submit to an investigation of the charges before the senate, which acts as a court for the trial of such cases.

Who may be Impeached.—The constitution says that all civil officers of the United States shall be liable to impeachment. The president, vice president, judges of the supreme and inferior courts, and members of the president's cabinet are the most important officers subject to impeachment. Senators and representatives cannot be impeached.

“The Blount Case.”—In 1797, the house of representatives preferred articles of impeachment against Senator Blount, of Tennessee, on the charge of conspiracy to dismember the Union. The accusation was made in the usual form, but the senate decided that senators are not civil officers in the sense in which that term is used in the constitution. Although this view was taken, the senate promptly expelled the offending member under the authority given each house of congress to punish its members for disorderly conduct. Since that time, it has been understood that members of congress are not liable to impeachment.

“The Belknap Case.”—In 1876, W. W. Belknap, Secretary of War, was accused of malfeasance in office for accepting bribes for the appointment of a certain person to the position of post-trader on the frontier. He tendered his resignation at once to President Grant, and it was accepted. Later,

the house of representatives preferred articles of impeachment against him. Much interest was shown in the case, because the right of the house to impeach Belknap, now a private citizen, was raised. The senate decided, by a vote of thirty-seven to twenty-nine, that it had jurisdiction over the case, even though the accused had retired to private life. Belknap was not convicted, however, because a strong minority questioned the right of the senate to try the case.

Impeachment Cases.—It must be borne in mind that impeachment is only a formal accusation brought by the house of representatives. President Andrew Johnson was regularly impeached, in 1867, but he was not convicted. Four United States district judges, one associate justice of the supreme court, and one cabinet officer, have been impeached, but only two of the seven officers tried were convicted and removed from office. These were Judge John Pickering, of the district court for New Hampshire, in 1804, and Judge W. H. Humphreys, of the district court for Tennessee, in 1862.

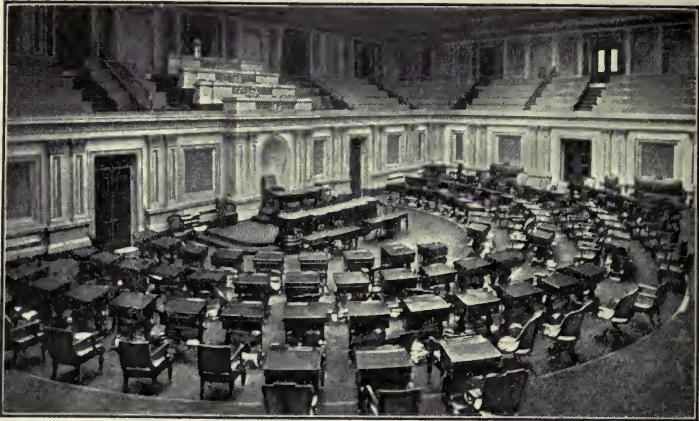
PART IV

SECTION III. THE SENATE

Clause I—Composition

The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

Objections to Senate.—The senate was a subject of great dispute among the members of the constitutional convention. Some members saw no necessity for two houses of congress, and others feared that the plan of having two houses, with different qualifications required for membership, would soon develop into a legislative body resembling the British parlia-



The Senate Chamber

ment. Some of the larger states wished to have the senate a less numerous branch than the house, but they insisted that the membership of both houses should be based upon population. It was urged that two or three representative districts might be united to form one district for the election of a senator. But the smaller states would not listen to this, and it was not until equal representation of the states was decided upon for the senate, that the smaller states agreed to enter the Union.

Number of Members.—The senate is supposed to represent the states in a political sense. The membership of the senate has never been so large as that of the house. As there are now forty-eight states in the Union, it follows that there are ninety-six members of the senate in congress.

Manner of Choosing.—Several methods for the election of senators were proposed in the constitutional convention, but it was finally decided that they should be chosen by the legislatures of the several states. In recent years several attempts have been made to amend this part of the

constitution, so that senators shall be elected by the people by direct vote, the same as representatives, and finally, in 1912, congress proposed an amendment for this purpose. It is interesting to the student of civil government to note that practically every argument now used for the election of senators by popular vote was used by the members of the constitutional convention, during the discussions in that body concerning the organization of the proposed senate.

Term.—The constitution fixes the term of senators at six years. This period was agreed upon after much discussion. Some members of the convention preferred annual elections for all officers of the general government, including senators. Four years, six years, seven years, life, and during good behavior, were also proposed as suitable terms for senators. The suggestion that senators should be chosen from districts, each of which was to be composed of three representative districts, may have had some weight in deciding the senatorial term to be three times the length of the representative term. Experience has shown that the senatorial term is very satisfactory to the people, as well as to the states.

Vote.—Under the confederation, each state had but one vote, no matter how many members it had in the congress. Voting by states proved unsatisfactory, and a change was made so as to give each member in each house of the new congress the right to cast one vote. The constitution says that each senator shall have one vote, and although nothing is said in the constitution about the right of representatives to vote, each member of the house is given one vote.

Clause 2—Classification and Vacancies

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into

three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one third may be chosen every second year, and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Purpose.—This clause of the constitution was inserted for the purpose of making the senate a perpetual body. All the members of the house of representatives may be changed at any general election of those officers, because they are all chosen in each even-numbered year, and the terms of all begin on the fourth of March, in the year following their election. With the organization of a new congress, however, only one third of the number of senators can be changed, unless it has been necessary to elect one or more members to fill vacancies. At all times, one third of all the members of the senate have served at least two years, and another third, at least four years. This clause may have been intended as a formal declaration to the world that the new government was to be a permanent one.

Classes.—The division of senators into the classes designated in the constitution was made at the first session of congress, on May 15, 1789. At that time, only ten of the states were represented in the senate, and, consequently, there were only twenty senators to be classified. In the arrangement of classes, the names of the senators were placed so that the two from each state were in separate lists. After the lists had been arranged, the length of term of each class was decided by lot. The result was that seven were to serve

two years, seven, four years, and the remaining six, the full term of six years. As new members have been added to the senate, on account of the admission of new states, they have been assigned to the classes so as to keep the number of members in each class the same, as nearly as possible. Thus it sometimes happens that a senator chosen from a new state may be assigned to the class of senators having but two years to serve, and the other, to the class having four years to serve. In September, 1850, California was admitted into the Union, and John C. Fremont, who was chosen senator for the short term, served only till March 4, 1851. The terms of senators from a new state are decided by lot, and are known as the long and the short term.

Ten States.—It is customary to speak of the thirteen original states, but there were only eleven states in the Union when the government was organized, in April, 1789. Moreover, owing to a disagreement between the two houses of the New York legislature, that state failed to elect her senators for some time; so, as stated above, there were only ten states represented in the senate. North Carolina did not ratify the constitution of the United States until November 21, 1789, and Rhode Island not till May 29, 1790.

Present Classification.—The senate is now divided into three groups, the first consisting of thirty, and each of the others of thirty-one members. The terms of those of the first class expire at noon, March 4, 1911, 1917, and so on; those of the second class, at noon, March 4, 1913, 1919, and so on; and those of the third class, at noon, March 4, 1915, 1921, and so on.

Clause 3—Qualifications

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the

United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

Higher Qualifications.—It was admitted by all the members of the constitutional convention that the qualifications of senators should be higher than those of representatives. The minimum age fixed for senators is five years higher, and the length of time of citizenship, two years longer than for representatives. The clause relating to inhabitancy is the only one that may be subject to abuse. While a senator, at the time of his election, must be an inhabitant of the state from which he is chosen, he may, at any time after his election, remove to some other state, and continue to serve as senator from the state that elected him. As the senate acts with the president in making treaties with other nations, the first two qualifications seem especially appropriate.

Clause 4—Presiding Officer

The vice president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

Vice President.—There was much objection made to the establishment of the office of vice president, and it is doubtful whether the office would have been created had not some member of the convention suggested that the vice president should serve as president of the senate.

General Provisions.—The work of presiding over the senate helps to qualify the vice president for the more important position, should he be called upon to perform the duties of president. He is not permitted to vote upon any question under consideration, except in case of equal division of the senate, because his vote might seem to increase the political influence of the state from which he was chosen. That state would have three votes in the senate instead of two, and, to

prevent this, the vice president is not permitted to vote, except as above stated. The vice president takes no part in the discussions of the senate, and he does not appoint any of the regular committees of that body.

Clause 5—Other Officers

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice president, or when he shall exercise the office of president of the United States.

Other Officers.—The other officers of the senate are a president *pro tempore*, a secretary, sergeant-at-arms, chaplain, librarian, and postmaster. The duties of the secretary correspond to those of the clerk of the house, and those of the other officers to those with the same titles in the house. There are such assistants chosen as are necessary to make the work of each officer efficient.

President Pro Tempore.—The president *pro tempore* is chosen by the senate from among its own members. As soon as the vice president has taken the oath of office, and the business of the senate will permit, that officer vacates the chair as presiding officer, in order that a president *pro tempore* may be chosen. One of the members of the senate presides during the selection of this officer. As a rule, the office of president *pro tempore* is an honorary one, as he is not often called upon to preside over the senate for any length of time. When the vice president succeeds to the presidency, the president *pro tempore* presides at all sessions of the senate, and he then receives the same pay as the vice president. It is not right to call the president *pro tempore*, vice president of the United States. The two offices are entirely separate and distinct from each other. The president *pro tempore* is a member of the senate, and consequently he has the right to vote on

all questions under consideration by the senate, when presiding.

Clauses 6 and 7—Impeachment

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Court of Impeachment.—As stated elsewhere, the house of representatives has the sole power of impeachment, but when a public officer has been impeached, he is obliged to appear before the senate to answer to the charges that have been preferred against him. When trying a case of impeachment, the senate is organized as a court, and each senator is required to take an oath (or affirmation) that he will try the case fairly.

Impeachment of President.—When the president of the United States is tried, the chief justice of the supreme court presides. This is done to secure impartial rulings on the part of the presiding officer. It was thought advisable to make this provision, as the vice president, who is first in the line of succession to the presidency, might be unduly interested in securing the removal of the president. In the trial of President Johnson, a change of one vote from the number opposed to his conviction would have made the necessary two-thirds vote required to sustain the impeachment.

Conviction.—The conviction of a public officer on impeachment is a very grave matter, and it is certainly a safe plan to require a two-thirds vote of the senators present to convict a person who has been impeached. In the heat of political discussion, or influenced by party spirit, even so dignified a body as the senate might be led to vote according to the dictation of a party, rather than by the dictates of justice and the facts of the case. In the trial of President Johnson, and the deliberations of the joint high electoral commission of 1877, a division was made in the voting along strict party lines.

PART V

SECTION IV. ELECTIONS AND MEETINGS

Clause 1—Elections to Congress

The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

Congressional Districts; Elections.—This clause explains itself. In the absence of any action by congress, the time, place, and manner of electing members of congress is left to the states. In 1842, congress passed a law providing for the division of the states into congressional districts for the election of representatives, and, by another law that went into effect in 1876, the time of the election of representatives is fixed as the Tuesday next after the first Monday in November of each even-numbered year. (See page 244.)

Prohibition on Congress.—Congress is not permitted to fix the place for the election of senators. This is a wise provision. For some reason, such as invasion, insurrection, or

an epidemic disease, the legislature of any state might find it necessary to meet at some other place than the state capital. In such a case, the election of a senator would not be prevented, if it became necessary to hold the election while the legislature was in session at any other place than the seat of government.

Clause 2—Meetings

The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Time of Meeting.—Although the term of members begins on the fourth day of March in the odd-numbered years, the regular annual session of congress does not convene until the first Monday in December. Congress has never exercised the privilege of appointing a different day than the one fixed by the constitution. The president may call an extra session of congress at any time, and he frequently calls the new congress to meet in special session. All sessions that convene on the date fixed by the constitution are called regular sessions, and all others, special sessions. The second regular session of each congress (the “short” session) always closes its work on the fourth of March following, but there is no time set for the closing of a special session, or of the first regular session (the “long” session).

SECTION V. SEPARATE POWERS AND DUTIES

Clause 1—Membership—Quorum

Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the

attendance of absent members, in such manner and under such penalties as each house may provide.

Judge of Qualifications, etc.—The first clause of the above paragraph from the constitution is reasonable as well as necessary. The qualifications of representatives, their election, and the manner in which the returns of election are made, differ from those of senators. Each house is directly interested in the qualifications and proper choice of its own members, and no better plan than that of giving to each house the right to determine all matters of that kind for itself could have been devised.

Quorum.—In the transaction of business connected with lawmaking, it would have been manifestly unfair to give the power to make laws to a smaller number than a majority of all the members. When it happens that a smaller number than a quorum is present at the opening of any session, those present may adjourn to the following day. They may, if they choose, direct the sergeant-at-arms to summon absent members and compel their attendance. This, however, cannot be done in the house of representatives, unless there are present at least fifteen members to order it. When there are fewer than fifteen members present at the opening of a session, they adjourn. This is now seldom necessary, as the membership of the house is so large that, when the hour for opening arrives, many more than the required number are usually present. No special number has been designated by the rules of the senate with power to adjourn on account of the lack of a quorum at the beginning of a daily session.

Counting a Quorum.—In recent years, some members of the house of representatives have often refused to vote on certain questions, in the hope that they could thus defeat, or at least delay, the passage of the measure. If the number of

votes cast was less than a quorum, that is, less than a majority of all the votes possible, it would appear that no quorum was present, and so the measure would be delayed. The house of representatives, during the first session of the fifty-first congress, adopted a rule which permitted a member to demand, or the speaker to suggest, that the names of such members present, sufficient to make a quorum, be added to those voting, and that they be counted, for the purpose of showing that a quorum was present at the time the vote on the measure under consideration was taken. Afterwards, the naming of the members present, but not voting, was placed in the hands of two tellers named by the speaker.

Absence.—No member has a right to be absent from a session, unless he is sick or has been excused from attendance. When a member is brought in by the sergeant-at-arms, he is required to give an excuse for his absence, and some very amusing scenes occur at such times.

Clause 2—Discipline

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

Conduct of Members.—Each house of congress has adopted a list of rules relating to its organization, the privileges of its members, the duties of its officers, the rules governing debate, and many other items of special interest. It has been necessary for each house to punish some of its members for disorderly conduct, and some members of each house have been expelled.

Keeping Order.—The presiding officer of each house is required by the rules to preserve order. This is also one of the duties of the presiding officer of any deliberative body.

The speaker of the house often has much difficulty in maintaining order during the excited discussion of some important question. To aid him in calling the house to order, the speaker uses a mallet, called a gavel, with which he raps upon the desk before him. Occasionally, he must pound the desk vigorously with the gavel, and, when this fails, the power of the house is invoked, and the sergeant-at-arms is sent among the members, mace in hand, to restore quiet.

Sometimes, the debate on some question is prolonged by those who wish to oppose the measure for the purpose of delaying action or preventing a vote. Debates of this kind are sometimes terminated, in the house of representatives, by a motion which calls for "the previous question." But no such rule applies to the senate. In that body, a member may talk as long as he chooses, and there is no recognized authority to stop him.

Clause 3—Publicity

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Journal.—Each house keeps a record of its proceedings, from day to day, in a book called the journal. In this book is entered in detail the work of the day, and this record is read, corrected, and approved, at the opening of the next day's session. In addition to this record, an official newspaper is published daily, in which is printed everything that transpired in both houses, so that, each morning, every member of congress may know exactly what was said by any member; on any subject, the day before. As a rule, the daily session of

congress convenes at noon, and, by that time, whatever was done the preceding day has become public property, and it may serve as a guide to members in the discussions of that day. The journal is read and approved by the presiding officer of each house, before it is submitted to the members for approval.

Publication.—If, at any time, the public safety seems to demand that any part of the proceedings of either house shall be kept secret, such part is not published. This is necessary in time of war or public danger, when the publication of the acts of congress would be of great benefit to the enemy, and a corresponding detriment to the government. In the discussion of treaties with foreign powers by the senate, all the deliberations of that body are kept secret.

Voting.—The usual method of voting *viva voce* is a simple one, and the presiding officer can usually tell by the sound of the voices whether the motion is carried or lost. If he is in doubt as to the result, he calls upon those who voted in the affirmative to rise and be counted, and afterwards, those who voted in the negative.

Tellers.—Voting by tellers is sometimes resorted to as a means of deciding the number of votes cast for and against a measure. The speaker appoints two members to act as tellers, and the members who vote in favor of the measure are directed to march in front of the tellers to be counted. After this has been done, and those who have voted have been seated, those who vote in opposition to the measure march around in the same manner in front of the tellers and are counted. The vote of the majority decides whether the measure is carried or lost.

Yeas and Nays.—The process of voting by yeas and nays is longer than the others, and it is sometimes resorted to by a

minority to hinder legislation. Under the rule fixed by the constitution, the yeas and nays must be entered on the journal, whenever it is requested by one fifth of the members present. By this method of voting, every member is obliged to put himself on record as to how he votes. When the vote is taken by yeas and nays, the names of the members are called in alphabetical order, and, as each man's name is called, he announces his vote. When the roll has been completed, the list is read again, with the record of each vote, for the purpose of correcting errors, if any have been made. When we remember that there are now several hundred members of the house, it will be seen that this method of voting is a long one. Calling for a vote by yeas and nays to delay legislation is called "filibustering."

Clause 4—Adjournment

Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Purpose.—This clause was inserted in the constitution to satisfy those members of the constitutional convention who were opposed to having two houses of congress. Under this rule, one house has not the power to adjourn for an indefinite period, for the purpose of preventing legislation to which its influential members are opposed. Should the two houses fail to agree upon a time of adjournment, they may both be adjourned by proclamation of the president, but this has never been found necessary. Most of the states place a similar restriction on the two houses of the state legislature. See, for instance, section 11 of article II of the constitution of Washington (page 72).

PART VI

SECTION VI. PRIVILEGES AND RESTRICTIONS OF MEMBERS

Clause I—Privileges

The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Salary.—The salary of senators and representatives is now fixed by law at seven thousand five hundred dollars a year, and it is paid monthly out of the treasury of the United States. Under the articles of confederation, members of congress were paid, if at all, out of the state treasury. Some of the states allowed their members a higher compensation than did the others, which was a source of dissatisfaction, and some of the members of congress under the confederation received no pay. Franklin and a few other members of the constitutional convention were in favor of paying members of congress no salary whatever, but they were overruled. At first, the salary of members of congress was fixed at six dollars a day for the time employed, and thirty cents a mile for traveling expenses. Several changes were made before the present salary was adopted. The salary of the speaker is fixed at twelve thousand dollars a year. The president *pro tempore* of the senate receives twelve thousand dollars a year, when he presides regularly over a session of that body. At other times, his salary is the same as that of other members.

“Salary Grab.”—Several times in the history of the country, the salary of members of congress has been raised, and the law was made retroactive, that is, it provided that the increase should date from the beginning of the regular session at which the law was passed, or to cover the entire term of the members of that congress from its beginning. On the last day of the session of the forty-second congress, a law, known as the “salary grab,” was passed by both houses of congress and signed by President Grant. By the provisions of this law, members of congress were to receive seven thousand, five hundred dollars a year, and the salary of the president was raised from twenty-five thousand dollars a year to fifty thousand. The law also provided that the salary of members of congress should be raised for the full term ending on the day the law was passed. A storm of indignation swept over the country, and, while the constitutionality of the law was recognized, the next congress made haste to reduce the salary of its members to five thousand dollars a year, as it had been before the law was passed, and as it remained for many years afterward. Some members of the forty-second congress took the back pay and kept it, while some refused to accept the increase, and some who took the full amount, afterwards turned the excess back into the treasury. The salary of the president was left at fifty thousand dollars a year.

Stationery; Mileage.—In addition to the salary named, each member of congress receives one hundred and twenty-five dollars a year for stationery, and an allowance of twenty cents a mile for traveling expenses. Mileage is computed upon the nearest traveled route, and is allowed for going to and returning from the seat of government. The allowance for stationery and mileage is made for each special session of congress, as well as for each regular session. The mileage is

paid on the first day of the session of congress to all members present, and to the other members as soon as they arrive after the beginning of the session. Stationery is furnished at cost, but any member may draw his allowance for stationery in money, if he chooses to do so. The franking privilege is also allowed members of congress, by means of which they are permitted to send through the mails, free of charge, public documents to their constituents, and all letters of an official nature to any part of the country.

Freedom from Arrest.—The privilege of freedom from arrest, except in the cases specified, is a wise provision. If it were not for this right, persons desirous of preventing legislation might cause the arrest of members of congress on false or trifling charges and thus prevent them from attending to their duties as legislators. Treason, felony, and breach of the peace are crimes so serious that even a congressman should not be exempt from arrest, if guilty of any of them. Our law-makers should most certainly be law-abiding citizens.

Freedom of Speech.—The freedom of speech guaranteed in debate is for the purpose of permitting members to speak freely and plainly upon any subject under discussion in the process of lawmaking. This does not prevent either house from adopting rules to govern members in debate. In fact, the rules that have been adopted for this purpose are very exacting, and strict obedience to them is required.

Clause 2—Prohibitions

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States,

shall be a member of either house during his continuance in office.

A Wise Provision.—If it were not for this clause of the constitution, offices might be created by congress, and large salaries provided, and these offices given to the members of congress who had been instrumental in bringing about the passage of the law. An office with a large salary and permanent in tenure would be a constant temptation to some members, and resignations might become common in congress, instead of very rare, as at present. It will be noticed that the restriction placed upon a senator or representative by this clause is, “during the time for which he was elected.”

PART VII

SECTION VII. LAWMAKING

Clause I—Revenue Bills

All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

English Custom.—This is a plan borrowed from England. In parliament, all bills for raising revenue originate in the house of commons. It was thought wise to place the right to propose measures for raising revenue in the hands of the representatives, because they are nearer the people, in a sense, than senators are. The custom authorized by this clause of the constitution still prevails, as a matter of form, perhaps, and any attempt on the part of the senate to infringe upon the right of the house of representatives in matters relating to raising revenue receives no attention from that body. Usually, such a bill, if passed by the senate, is entirely ignored

by the house, which is never done in the case of bills of any other character.

Effect of Restriction.—The provision really amounts to little now, because, after a revenue bill has been acted upon by the house, it becomes the property of the senate, and may be disposed of by that body in the same manner as any other bill. The amendments proposed by the senate may, and often do, largely change the character of the bill. If a senator wishes to have a revenue bill introduced into the house, he may easily accomplish this by having a representative from his own state see to its introduction.

Clause 2—Mode of Making Laws

Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

Bills.—A bill is the draft of a proposed law. Any member

of either house may introduce a bill upon any subject, with the one exception that bills for raising revenue must originate in the house of representatives. At every session of congress, thousands of bills are introduced into each house, but comparatively few are enacted into law, and it rarely happens that a bill of any importance is ever adopted by both houses in the form in which it is introduced.

Committees.—Nearly all legislation of congress is controlled by committees. This has become necessary, in late years, on account of the large number of members of which each house of congress is composed. It is really more of a necessity in the house of representatives than in the senate, for the former body is so large as to make a discussion of every bill, in all its stages, in open session, an absolute impossibility.

House Committees.—In the house of representatives, the committees are now elected by vote of the house (before 1911 they were appointed by the speaker), and the members elected to any committee serve for the remainder of the congress. As the speaker and the committees are chosen at the beginning of the new congress, the committees usually serve for two years. On this account, they are called standing committees. The membership of the committees of the house of representatives varies according to the relative importance of the work to be done. A committee consists of an odd number usually, and has not less than three nor more than twenty-one members. The man named first on the committee is its chairman, and it is his duty to call the meetings of his committee and to preside over its deliberations. The house has about sixty standing committees.

Senate Committees.—The senate, like the house, elects its committees. This is done at the beginning of each new

congress, and is really a part of the work of organization. In both houses, it is sometimes necessary to raise committees to do some special work. Such are known as special committees, and they are discontinued as soon as the work for which they were appointed has been completed. The standing committees of the senate consist of from three to seventeen members, and there are more than sixty such committees. Their work is very important.

Action of Committees.—When a bill has been introduced into either house, it is at once referred to the proper committee, and, from that time forward, its fate depends almost entirely upon the action of the committee. Sometimes the committee refers the bill back to the house or senate in the form in which it was introduced, but that is a rare occurrence. At other times, the bill may be reported back after many alterations of it have been made. Frequently, no action is taken, and the bill is then said to have been killed by the committee. Many bills reported back for consideration are so changed by the committee that they bear almost no resemblance to the original draft. It often happens that a bill is of so great importance that it is considered wise to hear the opinion of persons not members of congress at all. In such cases, persons are summoned to appear before the committee to give testimony or to answer any questions that may be asked.

Three Readings.—Every bill that is passed by either house is read three times before the final vote is taken. When a bill has been reported back by the committee with the recommendation that it be passed, it is printed by order of the clerk, so that each member may have a printed copy for examination and study. The bill is read by its title one day, and on some following day, it comes up for its second read-

ing. At this time, it is debated, amended, and ordered engrossed. On some future day, it is read the third time, voted upon as a whole, and passed, or if it does not receive the affirmative vote of a majority of those present, it is rejected. A bill that is deemed of special importance may be read three times in one day, under a suspension of the rules, and passed.

Further Action.—We may suppose that the bill under consideration has been introduced into the house of representatives, and passed by that body. It is then sent to the senate by the clerk of the house, with the announcement that the bill has been passed by the house. The bill is then referred to the proper committee of the senate, passed to its three readings in the same manner as in the house, altered or amended at the wish of the senate, and passed or rejected by that body, as it chooses. If, in the consideration of the bill by the senate, a single word is changed, the bill must be referred back to the house for that body to concur in the change. In other words, a bill must pass both houses with exactly the same wording, in order that it may become a law. It sometimes happens that a bill that has been referred back to the house in which it originated, with amendments, is altered by that house, instead of being concurred in. It must then receive the indorsement of the other house. To secure agreement of the two houses in such cases, a special conference committee is often appointed from the two houses to propose a compromise measure. When a bill has passed both houses, it is enrolled on parchment, after it has been compared carefully with the text of the bill as ratified by both houses. The presiding officer of each house signs the bill, at the same time informing the members of his action.

Action of President.—A committee then presents the bill to the president of the United States for his signature. The

fact that the president has signed the bill is reported to congress, and the new law is then filed with the secretary of state, who has it printed with the other laws passed by congress. As stated above, if the president approves of a bill that has been passed by congress, he signs it, and it is then a law. If he does not approve it, he returns it to the house in which it originated, stating his objections to it. These objections are spread upon the journal of the house as a part of the permanent record, and the bill is then reconsidered. The refusal of the president to sign a bill is called a veto, which is a Latin word, signifying, "I forbid."

Veto Power.—The veto power has not been exercised freely by all of the presidents, although some have used it much more than others. This power was intended to serve as a check upon hasty legislation. In general, a bill may be vetoed because it is considered unconstitutional, or because it is not considered a wise measure by the executive. In the several states, the veto power is conferred upon the governor.

Subsequent Action.—The veto power of the president is only partial, for, if each house agrees, by a two-thirds majority, to pass a bill, after it has been vetoed by the president, the bill becomes a law and is of the same force and effect as though it had not been vetoed. In passing a bill over the president's veto, the vote is always taken by yeas and nays. This is done to insure a careful consideration of the reasons for voting for or against the measure. The vote of each member is recorded, and he is thus put on record, so that his constituents may know just how he voted. Although more than four hundred bills have been vetoed by all the presidents, only about thirty have been passed over the veto.

"Executive Neglect."—The president sometimes permits a bill to become a law by the process called "executive

neglect." In this case, he neither signs the bill nor vetoes it in the regular way. If the bill is not signed or vetoed by the president within ten days from the time it is presented to him (Sundays excepted), it becomes a law, unless congress, by adjournment, prevents its return. About five hundred bills have become laws thus far in our history, by this means. Most of them are measures of minor importance.

"Pocket Veto."—If a bill which has been passed during the last ten days of a session of congress is objectionable to the president, he may prevent its becoming a law by taking no action upon it. This method of defeating a bill is called a "pocket veto." From this form of veto there is no appeal, and some important bills have been defeated by this means. If the next congress wishes to reconsider a matter which has been vetoed in this manner, it is necessary for a new bill to be introduced, and it must then take the regular course of new legislation.

Clause 3—Joint Resolutions

Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Purpose.—This clause was considered necessary in order to prevent congress from passing a bill to which the president might object, and which it was certain could not be passed over his veto, by simply changing it to a resolution. An order is the expressed command of either house. Joint resolutions are considered to have the same force as ordinary bills, and

they are treated in the same manner. Principles, opinions, or plans of congress, not intended to have the force or effect of laws, are sometimes embodied in concurrent resolutions and agreed to by both houses without being submitted to the president.

PART VIII

SECTION VIII. POWERS OF CONGRESS

Clause I—Taxation

Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Revolutionary War Debts.—Under the articles of confederation, there was no national treasury. Congress had power to recommend that money be raised for various purposes, but it could not levy or collect a single dollar. At the close of the Revolution, the credit of the United States was worthless, and the government was bankrupt. It could not raise the money to pay its running expenses, and a heavy debt had been contracted on account of the war. But a moral obligation seemed to rest upon the new government to assume the debts contracted by the several states on account of the war, and this was done. The ablest financiers of the nation favored the plan, and it was a wise thing to do, although the debt was a burden upon the government.

Taxes.—Taxes are authorized by the constitution to be raised for three purposes. These are for the payment of debts, to provide for the common defense, and to promote the general welfare of the people of the United States. At present, the income of the government from taxation every

year is enormous, but it is expended judiciously, and the welfare of the people is certainly promoted thereby.

Direct Taxes.—Taxes are classified as direct and indirect. By a clause of the constitution already quoted, direct taxes must be apportioned among the several states according to their population. Direct taxes, when so levied, are collected by the states, and the amount is then paid into the United States treasury. Direct taxes, as a means of raising revenue for the support of the general government, have always been unpopular with the people, and this method has not been resorted to, except in case of urgent necessity. Whenever a law providing for the raising of direct taxes has been passed by congress, a stated amount is named, and this amount is then apportioned among the states according to the population.

A War Measure.—Direct taxes have been levied always as a means of paying war expenses. In 1798, when war was imminent with France, congress asked for a levy of two millions of dollars upon the states. In 1813, 1815, and 1816, direct taxes were levied to help in defraying the expenses of the war of 1812. In 1861, congress, for the fifth time, provided for the levy of a direct tax. This time, the amount asked for was twenty millions of dollars, and the territories, as well as the states were made subject to the provisions of the law. As the South was then in arms against the federal government, the states of that section did not pay their share of the tax. The amount collected from the other states, on account of the tax of 1861, was refunded to them by order of the fifty-first congress.

Indirect Taxes.—In times of peace, the general government has always depended upon indirect taxation for its support. Only once in our history has the government been

free from debt, and that was for a brief period, so that there has nearly always been some money raised for the payment of debts and interest thereon, in addition to raising enough for current expenses. Duties, imposts, and excises are indirect taxes. They are levied upon certain articles imported into the country, and also upon articles, usually luxuries, manufactured in the country. Duties are taxes levied upon certain imports, and imposts and excises, upon articles of home manufacture. While the constitution uses the terms imposts and excises, congress has substituted therefor the more comprehensive term, internal revenue.

Duties.—Duties are of two kinds—specific and *ad valorem*. A specific duty is levied upon goods without regard to their value. An *ad valorem* duty is placed upon goods according to their value in the country from which they are imported. The latter is the fairer method, and, consequently, it has proved to be more popular than a specific duty.

The "Tariff."—A law passed by congress to fix the rate of duty upon articles imported into the United States is called a tariff. The word "tariff" is a corruption of "Tarifa," the name of the southern cape of Spain. The Moors, during the middle ages, held this cape, and, by means of it, they were able to control the entrance to the Mediterranean sea. The tribute they exacted from merchantmen for passing through the Strait of Gibraltar without molestation was called a Tarifa tax, or a tariff. As a tariff is for the raising of revenue, it will be seen that such a measure must originate in the house of representatives. Some prominent member of the house introduces a tariff bill, and, during its discussion, as well as after its enactment into a law, it is called by the name of the member who introduced it. The present tariff law is known as the "Payne-Aldrich Tariff," from its chief authors, Repre-

sentative Payne, of Pennsylvania, and Senator Aldrich, of Rhode Island.

Kinds of Tariff.—The tariff has always been a subject of much dispute among the people of the United States, and, upon it political parties have been divided all through our history. In political discussions, when there is no real issue before the people, campaign orators always have recourse to the tariff. Two theories have been advocated—one “A tariff for revenue only,” and the other, “A tariff for protection.”

Protective Tariff.—Those who advocate a protective tariff favor the placing of the tax upon that class of imported goods that are most liable to be brought into direct competition with articles of home manufacture. The tariff is also made a means of fostering infant industries in this country. This form of taxation has been in force ever since the organization of our government, although, at times, many of the people have been opposed to it, and it has been the cause of much bitter sectional feeling, on more than one occasion in our history.

Tariff for Revenue.—The advocates of this form of taxation on imports say that the tariff should be made to help pay the running expenses of the government, but that there is no reason why manufactured articles should receive any benefit from the tax. They would have the tax levied at a uniform rate upon all articles imported, regardless of the effect upon our own manufactures, and they would also limit the amount of money so raised to the actual needs of the government. Many of our people have favored the abolition of the tariff altogether. These are called free traders, and the plan they advocate is called free trade.

Internal Revenue.—All forms of taxation resorted to by

the general government for the raising of revenue within our own borders, comes under the general name of internal revenue. Such taxes are levied upon tobacco, cigars, spirituous and malt liquors, and many other articles, greater or less in number, according to the needs of the government. During the Civil War, many of the necessities of life were subject to an internal revenue tax. Deeds, mortgages, bank checks, drafts, and many legal and commercial documents were also subject to a stamp tax for the benefit of the government. The "Spanish-American" war increased the expenses of the government greatly, and it was found necessary to increase its income rapidly. This was done almost entirely by means of a stamp tax on legal and commercial documents, patent medicines, and other articles that could easily be made subject to such a tax.

Expenses of Government.—In time of peace, the expenses of our government are enormous, and they are very greatly increased in time of war. It now costs nearly a billion dollars to pay the running expenses of the government for a single year, and this amount is increasing annually. The increase in expenditure, however, does not seem out of proportion to our growth in all lines of national, commercial, and material prosperity.

Debts.—During the Civil War, the sources of revenue were increased in many ways, but, in spite of this, the government was obliged to borrow large sums of money to carry on the war, and, at its close, the debt of the nation was nearly three billion dollars. A great part of this has been paid, but the common defense and the general welfare demand the outlay of large sums of money annually, and the recent war with Spain increased the indebtedness of the United States several hundred million dollars.

Clause 2—Borrowing

To borrow money on the credit of the United States.

Borrowing Money.—Several times in our history, our government has been obliged to borrow money on its credit. At the time of the purchase of Louisiana, in 1803, there was not enough money in the treasury to pay for it. Bonds were issued to Napoleon, and this was equivalent to borrowing money, for the entire resources of the government were pledged for the payment of the bonds. During the Civil War, congress was obliged to borrow heavily, and to pay a high rate of interest. The credit of the nation was never better than it is at the present time, and it is a significant fact that when a war loan was made necessary on account of the trouble with Spain, three per cent. bonds of the United States were sold at a premium, when issued.

PART IX*Clause 3—To Regulate Commerce*

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

Commercial Restrictions.—One of the defects of the old government was that congress had no power to legislate in any way with reference to commerce. Restrictions were placed upon the commerce of neighboring states by all the states, often for no other reason than to gratify envy or jealousy, and the feelings thus engendered often made adjoining states as hostile as though war had been declared between them. Members of the constitutional convention attended that meeting with the feeling that they must protect the interests of their respective states, no matter whether their acts

were for the common good, or not. Happily, wise counsel prevailed, and the constitution contains nothing sectional, in language, at least. It will be remembered that the first step taken for the revision of the articles of confederation was the calling of a convention to consider and improve the commercial relations among the states.

Commerce.—The foreign commerce of the United States is very extensive, and it is rapidly increasing. By this clause of the constitution, congress is given the power to regulate commerce with foreign nations, and it has done so by the enactment of many important laws. Thousands of merchant vessels and more than a million persons are engaged in carrying the imports and exports of the United States annually. Nearly every seaport of any importance in the country, and many of the inland cities on the banks of our navigable rivers, are ports of entry for the reception of goods sent here from other countries to be used by our people.

Interstate Commerce.—In order that there may be uniformity in the rules governing commerce among the states, congress has passed many laws relating thereto. The years since the close of the Civil War have witnessed a wonderful development of the resources of this country, and the transportation of its products from one section to another requires the services of thousands of men, and the outlay of many millions of dollars in railways, canals, steamboats, and other means of transit. The telephone and telegraph are important factors in the commercial world of to-day, for, by their aid, orders for goods are sent with the speed of the lightning to our great centers of trade, and, from these points, the accumulated products of the nation are distributed to the home of the consumer without delay. The daily paper informs the masses about the prices of all kinds of commodities, and the

great express companies play an important part in the work of transportation.

Interstate Commerce Commission.—The rivalry between transportation companies and the sharp competition among manufacturers have led to serious evils in the carrying trade of the country. Rebates, discounts, and other allowances made to those who had large quantities of goods to be sent from one section to another, as well as to merchants who bought large stocks for the retail trade, seemed to make some form of legislation necessary, in the interest of small shippers and small tradesmen. On February 4, 1887, a law was passed for the purpose of removing, as far as possible, the evils above mentioned, and to regulate commerce between the states. The law also provided for the formation of an interstate commerce commission, whose duty it should be to see to the enforcement of this law. As afterwards altered, the commission consists of seven members, appointed by the president and confirmed by the senate. The chief sessions of the commission are held at Washington, but much of its business is transacted elsewhere. The term of office of members of the commission is seven years, and the salary of each member is ten thousand dollars annually.

The Anti-Trust Law.—For the purpose of affording still greater protection against gigantic corporations, whose sole object seemed to be to drive out of business all competitors, a law was passed in 1890, having for its object the prevention of trusts and monopolies. This law makes it a misdemeanor for any person, company, or corporation to combine with others by any form of contract, combination, or conspiracy, with the intent of placing any restriction upon commerce between the states. Severe penalties are attached to a violation of this law. There is nothing in the law to prevent the

formation of *bona fide* corporations for the purpose of carrying on any line of business, and many such companies are in existence in this country now. They are not recognized as trusts, in the sense in which that term was used at the time of the passage of this law.

Congress does not assume to regulate the commerce of any state carried on entirely within its own borders.

Indian Tribes.—Commerce with the Indian tribes of the nation is unimportant, but whatever there is, is under the direction of congress. The government assumes the protection of the Indian tribes within our borders, and an annual allowance of nearly twenty million dollars is made for their support. Many Indians have renounced their tribal relations and have made much progress towards civilization. The annual allowance made by congress for their support makes it unnecessary for some of them to spend their energies in working for a living.

Clause 4—Naturalization and Bankruptcy

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

Naturalization.—Naturalization is the process by which an alien becomes a citizen of the United States. Under the confederation, each state had its own laws governing naturalization, and there was no uniformity in them whatever. When an alien had become a citizen of one state, he was considered a citizen of any other state to which he might remove. Several times in our history, territory has been acquired by purchase, and the inhabitants thereof have been made citizens collectively, without the usual form of naturalization. Twenty or more naturalization laws have been passed by congress, and the present law, with the rulings of the courts,

is considered very satisfactory. The time of residence required of an alien, before he can become a citizen of the United States, has varied considerably. In 1790, it was fixed at two years, but this was increased to five years, in 1795, and to fourteen years, in 1798. Since 1802, the residence required has been five years.

Declaration of Intention.—As soon as an alien lands in this country, or at any later time, he may go before any court of record, having common-law jurisdiction and provided with a seal, and declare his intention to become a citizen of the United States. This is called a declaration of intention, or the taking out of the first papers of naturalization. He will be given a certificate stating the facts in the case as they appear, in the following form:

NATURALIZATION—DECLARATION OF INTENTION

FIRST PAPERS:

UNITED STATES OF AMERICA. DEPARTMENT OF COMMERCE AND LABOR. BUREAU OF IMMIGRATION AND NATURALIZATION. DIVISION OF NATURALIZATION. DECLARATION OF INTENTION.

State of _____ }
County of _____ } ss. In the _____ Court
of _____

I, _____, aged _____ years, occupation _____, do declare on oath that my personal description is: Color _____, complexion _____, height _____ feet _____ inches, other visible distinctive marks _____. I was born in _____ on the _____ day of _____, anno Domini 19—: I now reside at _____. I immigrated to the United States of America from _____ on the vessel _____; my last foreign residence was _____. It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty and particularly to _____ of which I am now a { citizen }
subject } : I arrived at

the port of _____ in the { state }
territory } of _____ anno Domini 19—. I
district }

am not an anarchist. I am not a polygamist or a believer in the practice of polygamy; and it is my intention to become a citizen of the United States of America and to permanently reside therein.

So HELP ME GOD.

Original signature of declarant.

Subscribed and $\left\{ \begin{array}{l} \text{sworn} \\ \text{affirmed} \end{array} \right\}$ to before me this _____ day of _____,
anno Domini, 19—.

(SEAL.)

_____,
Clerk of the _____ Court,
By _____, Clerk.

Residence.—The full period of residence required of aliens before they can be naturalized is five years, but at least two years must elapse between the declaration of intention and the completion of the process of naturalization. Thus, if an alien lives here five years before he declares his intention to become a citizen, he must continue to reside here two years longer, before he can get his second set of naturalization papers. This is considered necessary, in order that the conduct of the applicant for citizenship may be observed, and his fitness to become a citizen may be attested by those with whom he associates.

Oath of Alien.—At the time of taking out his second papers, the alien must appear before a court of record, and there renounce, under oath, all allegiance to every foreign power, and especially to the one to which he was subject before coming to the United States. He must also take with him as witnesses two persons to testify that they have been personally acquainted with him for the preceding year, and that they believe him worthy to become a citizen of the United States. He must satisfy the judge that he can speak English, and is of good moral character. The form of the oath of naturalization is here given, and that of the certificate.

NATURALIZATION

SECOND PAPERS.

UNITED STATES OF AMERICA. STATE OF WASHINGTON. IN THE SUPERIOR COURT FOR _____ COUNTY.

Present _____, Judge.

In the matter of application of _____
an alien

To become a Citizen of the
United States of America.

In the open court this _____
day of _____, 19—.

I, _____, being first duly sworn, depose and say I am a free white man, an alien born in _____, and an applicant to become a citizen of the United States. I have never borne any hereditary title nor been of any of the orders of nobility in the kingdom or state from which I came. I have (1) heretofore made declaration under oath of my intention to become a naturalized citizen of the United States (2), before _____, an authorized officer to take such declaration, in the county of _____, state of _____, of the _____ day of _____ 191—. I have resided in the state of Washington for more than one year last past, and within the United States continuously for more than five years last past. I am attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same. I have behaved as a man of good moral character during all the period of my residence within the United States. I do further declare that, at the time of my admission to the United States, to-wit: on or about the _____ day of _____, 19—, I was not one of any class of aliens excluded from admission into the United States by the terms of "An Act to Regulate the Immigration of Aliens into the United States," approved March 3, 1903. That is to say, I was not an idiot, insane person, or epileptic, nor was I a person who had been insane within the five years previous to my admission, nor was I a person who had had two or more attacks of insanity at any time. I was not then a pauper, a professional beggar, or a person likely to become a public charge. I was not then a person afflicted with a loathsome or with a dangerous contagious disease. I had not, prior to my admission, been convicted of a felony or other crime or misdemeanor involving moral turpitude. I was not then a polygamist, an anarchist, or a person who believed in, or advocated the overthrow, by force or violence, of

the government of the United States, or of all governments, or all forms of law. I did not then believe in or advocate the assassination of public officials. I was not, at the date of my admission to the United States, a person who had been, within one year prior thereto, deported as being under offers, solicitations, promises, or agreements to perform labor or services of some kind within the United States.

I now declare, upon my oath, that I do not disbelieve in, and am not opposed to, organized government. I am not a member of, or affiliated with any organization entertaining or teaching disbelief in, or opposition to, all organized government. I do not advocate or teach the duty, necessity, or propriety of the unlawful assaulting of any officer or officers, either of specific individuals, or of officers generally, of the government of the United States, or of any other organized government, because of his, or their, official capacity.

I do now hereby declare, upon my oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, that I will support the constitution of the United States of America, and bear true faith and allegiance to the government thereof.

Signed, _____.

Subscribed and sworn to before me by the applicant this _____ day of _____, 1—.

Two witnesses { _____, Clerk.
 _____, Deputy.

ORDER OF THE COURT

Now, therefore, it appearing that the applicant has, in all things, complied with and observed the laws regulating the naturalization of aliens, it is by the court, ADJUDGED, ORDERED, and DECREED that the said applicant be, and he is hereby admitted and declared to be *A Citizen of the United States of America*.

_____, Judge.

Exceptions.—There are some exceptions to the general naturalization law. An alien who has served one year in the army or navy of the United States, and been honorably discharged, may become a citizen at once, by taking the oath of

allegiance. An alien woman becomes a citizen by marriage with a citizen. If an alien who had declared his intention to become a citizen dies, his widow may complete the process of naturalization for the benefit of herself and minor children.

Minors.—Minor children are naturalized by the act of the father. Aliens who came to this country before they were eighteen years of age may declare their intention and take out full naturalization papers at the same time, provided they have lived here five years, and are at least twenty-one years old at the time of making application for their papers of naturalization.

Races.—Prior to 1870, the right to become a naturalized citizen of the United States was extended only to white persons. Later, a law was passed giving the right to negroes from Africa. The naturalization of persons of the yellow race, including the Chinese, Japanese, and others, is not permitted. The status of the American Indians is peculiar. Although they are born in the United States they are not regarded as citizens until they "have renounced their tribal relations, and have donned the habiliments of civilization."

Expatriation.—Closely associated with naturalization is the act of expatriation. By this is meant the renouncing of allegiance to the country of one's birth. "Once an Englishman, always an Englishman," was the claim of Great Britain for centuries, openly asserted and maintained by force of arms. This claim was one of the main causes of the war of 1812, for American seamen were impressed into the English navy if it could be shown, or alleged, that the persons seized were of English nativity. The United States has always asserted that any one may renounce his country as a personal right, and nearly all civilized nations, including England, now recognize this principle.

Bankruptcy Laws.—The justice of bankruptcy laws has always been questioned by able jurists. Under the confederation, the states passed bankruptcy laws, and there was no uniformity in their provisions. The term “bankrupt” is said to mean “bench-broken,” for when a Florentine merchant refused, or was unable, to pay his debts, his neighbors rushed upon him, broke his bench, or counter, and drove him out of the market place. Now, a person who is unable to pay his debts is considered a bankrupt, and congress has, on four different occasions, passed laws for the relief of this class of persons. These laws were enacted in 1800, 1840, 1867, and 1898. These laws have covered a period of more than twenty-five years of our history, and the last one is still in force. Bankrupts are of two kinds—voluntary and involuntary. The former is one who takes advantage of the provisions of the law by turning over his property to the courts for the benefit of his creditors. The latter is one who is forced, by his creditors, to make a legal settlement with them.

Effect.—A bankruptcy law gives the debtor the right to appear in court, and, under oath, to certify to all the property belonging to him which is not exempt by law from attachment for debt. By turning over this property to the court for the benefit of his creditors, the proceeds will be divided among them proportionately, and the entire debt will be thus canceled.

PART X

Clause 5—Coinage and Measures

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Coinage.—The right to coin money belongs primarily with the nation, and not with the state. Under the power conferred

upon congress by the first part of this clause, laws relating to the coinage of money have been passed, and mints owned and operated by the general government have been established.

United States Mints.—The main mint of the United States is at Philadelphia, and it was established in 1791.

There are also United States mints at New Orleans, San Francisco, Carson City, and Denver. Each of these mints, except the one at Philadelphia, has a mint mark, which is placed on the reverse side of all the principal coins. "O" is the mint mark for New Orleans, "S" for San Francisco, "CC" for Carson City, and "D" for Denver.



In the Mint at Philadelphia

Coins. — Gold, silver, nickel, and bronze are now coined into money by the authority of congress. The gold coins are the double eagle, eagle, half eagle, and quarter eagle. The silver coins are the dollar, half dollar, quarter dollar, and dime. Other silver coins that were formerly made are the trade dollar, the twenty cent piece, and the half dime. The baser coins are the five cent and the one cent piece. A nickel three cent piece and a copper two cent piece were formerly coined, and some of these are still in circulation,

Legal Tender.—Legal tender money is such as must be accepted by creditors if offered for the payment of debts. Gold coins and silver dollars are legal tender for the payment of debts in unlimited amounts, but all other silver coins, except half dimes and three cent pieces, are limited to ten dollars as a legal tender. Silver half dimes, three cent pieces, bronze and copper coins are legal tenders in sums not exceeding twenty-five cents.

Free Coinage.—A private citizen may have gold bullion coined into money at the United States mint without expense. This is called free coinage. Up till 1873 there was also free coinage of silver.

Value of Coins.—The power of congress to regulate the value of coins is an important one. At present, the gold dollar, as a unit of value, contains twenty-five and eight tenths grains of gold, nine tenths fine. The silver dollar contains four hundred twelve and one half grains of silver, nine tenths fine. The other tenth, in each case, consists of a base metal added to give hardness to the coin. The metal in a silver dollar is now worth less than a dollar as bullion, but the government causes it to pass at its face value, by accepting it at face value in payment of debts due the government. Congress no longer regulates the value of foreign coins, as the number circulated in this country is now very small.

Weights and Measures.—Under the constitution, congress is given the power to establish a uniform system of weights and measures, but it has never fully exercised this power. The system of weights and measures in common use in this country is a complex one, based upon the English standards. The metric system of weights and measures, now in general use in most foreign countries, is very simple, and it has been recommended by congress for general use in this country, but

the recommendation has had but little force. Some of the leading colleges of the country have adopted the metric system for use in laboratory work, and the postal service with foreign countries employs this system in the exchange of mails.

Clause 6—Counterfeiting

To provide for the punishment of counterfeiting the securities and current coin of the United States.

Counterfeiting.—During the Revolution, congress was obliged to issue large sums of paper money, and, with the poor facilities for engraving and printing it, the work was not well done, and was easily imitated. To make the matter worse, and perhaps with the thought of entirely ruining the credit of the United States, large sums of counterfeit money were printed in England and sent over here to be given away, or used in exchange for American manufactures and other products. For this and other reasons, the money of the government became worthless, and its credit was well-nigh ruined.

Counterfeiting Paper Money.—Of late years, the art of the engraver has made it very difficult to imitate our paper money, and congress has made the penalty for counterfeiting very severe. The crime of counterfeiting is a felony, and the penalty, as fixed by law, is printed on the back of greenbacks and national bank notes. On greenbacks, it is as follows:

“Counterfeiting or altering this note, or passing any counterfeit or alteration of it, or having in possession any false or counterfeit plate or impression of it, or any paper made in imitation of the paper on which it is printed, is felony, and is punishable by five thousand (\$5,000) dollars fine, or fifteen (15) years’ imprisonment at hard labor, or both.”

National bank notes contain the following statement:

“Every person making or engraving, or aiding to make or engrave, passing, or attempting to pass any imitation or alteration of this note, and every person having in possession a plate or impression made in imitation of it, or any paper made in imitation of that on which this note is printed, is by act of congress approved June 3, 1864, guilty of felony, and subject to a fine not exceeding one thousand dollars (\$1,000), or imprisonment not exceeding fifteen (15) years, or both.”

Counterfeiting Coins.—The penalty for counterfeiting the coins of the United States is also very severe. Officers of the government are employed to detect counterfeit money of any kind, and, if possible, to arrest the criminals engaged in its manufacture or use. As the metal in a silver dollar is now worth less than half the value of the coin itself, counterfeiters are no doubt tempted to put into circulation silver dollars of the same purity as those made at the mints, for the profit that now accrues to the government.

Paper Money.—It is safe to say that there is now almost no counterfeit paper money in circulation in the United States. So certain do we feel that all the paper money in use is genuine, that we seldom examine it carefully. The kinds of paper money now in use are greenbacks, national bank notes, silver certificates, gold certificates, and treasury notes. The right of congress to issue paper money has been questioned, but the supreme court has decided that it has this right. Paper money is more convenient to use than coin, especially in large amounts, and, while the United States is known as a gold standard nation, the people would not consent to have congress retire the paper money from circulation.

Promises.—It should be clearly understood, of course, that the paper currency is not really money, but merely an evi-

dence of indebtedness. The different kinds of paper money may be distinguished in the following ways:

National Bank Bills.—"The first national bank of Seattle, Washington, will pay to the bearer on demand ——— dollars." National bank notes are signed by the president and cashier of the bank of issue before they are put in circulation.

Greenbacks.—"The United States will pay the bearer ——— dollars."

Silver Certificates.—"This certifies that there have been deposited in the Treasury of the United States of America, ——— silver dollars, payable to the bearer on demand."

Gold Certificates.—"This certifies that there have been deposited in the Treasury of the United States of America, ——— dollars in gold coin, payable to the bearer on demand."

Treasury Notes.—"The United States of America will pay the bearer ——— dollars in coin."

Clause 7—Post Offices

To establish post offices and post roads.

Postal System.—The postal system of the United States originated with Benjamin Franklin. At the organization of the government, in 1799, there were only seventy-five post offices, but now there are more than sixty thousand. All the people are brought into direct contact with this branch of the public service, and in no other way has the government done so much "to promote the general welfare."

Rate of Postage.—Before 1851, the rate of postage was very high, and it varied according to the distance the letters were carried. If the distance was less than thirty miles, the postage for a letter was six cents; more than thirty, and less than eighty miles, ten cents; and over four hundred miles,

twenty-five cents. The charge now is very small, and it is uniform throughout the United States, without regard to distance. The rate of letter postage is two cents an ounce, or fraction thereof. Circulars and other printed matter, books, merchandise, money, and many other things, are sent to all parts of the country by mail at small charges, and yet the receipts of the postal department make it almost self-supporting. Letters and postal cards, even at the low rate of postage now charged, are carried at a profit, newspapers and other periodicals at a small loss, and it is claimed that the franking privilege extended to congressmen and the heads of departments at Washington is largely responsible for deficits in the postal department. Hundreds of tons of public documents are sent free from Washington annually, and the government pays transportation charges on all this matter.

International Postal Union.—The United States is a member of the international postal union, and, by means of this, letters may be sent to any foreign country belonging to this union, at the rate of five cents for the first ounce, or fraction thereof, and three cents for each additional ounce, or fraction thereof. To some foreign countries, as Canada, Mexico, and Great Britain, the rate is only two cents. Money may be sent to all parts of the United States by means of postal orders, which may be purchased at all the important post offices in the United States. International money orders are also used to send money abroad.

Classification.—Post offices are divided into four classes according to the amount of business transacted. The first three classes of post offices are often called presidential offices, because the postmasters in all of them are appointed by the president and confirmed by the senate. They receive fixed salaries. Postmasters of the fourth class receive

salaries which vary according to the amount of business transacted. They are appointed by the postmaster-general.

Post Roads.—Post roads are roads designated by the government over which the mails are carried. They consist of railroads, steamboat routes, and wagon roads. These post roads are not special routes constructed at government expense, but any route over which mail is carried is called a post road. In some mountainous sections of the country, the government has expended large sums of money in the construction of post roads.

Post Offices.—In nearly all the large cities of the country, the buildings occupied as post offices have been erected by the government, often at great expense. These buildings are so planned as to enable the postal authorities to receive and distribute the mail with great rapidity. In the smaller cities of the country, the government rents the buildings used as post offices. Postmasters in the small offices of the country are obliged to provide offices at their own expense, and there is no allowance made them for incidental expenses.

Dead Letter Office.—In the city of Washington, the post office building is a magnificent structure, erected at a cost of more than three million dollars. This building is devoted to the uses of the Washington city post office and the general postal department of the nation. One of its bureaus is known as the dead letter office, and to this bureau is sent every parcel of mail that cannot, for any reason, be delivered to the addressee or returned to the sender. Post offices from all over the country contribute something to this office, and it is estimated that more than seven million pieces of lost mail find their way to the dead letter office annually. Many of the letters examined are returned to the writer, but articles of value which cannot be restored to their owners are

kept for a period of six months, and then sold at auction, the money which is received therefor being paid into the United States treasury.

PART XI

Clause 8—Copyrights and Patents

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Patents.—A patent is a certificate issued by the authority of the government to the inventor of any useful article, or to the discoverer of any useful process, by means of which he is given the exclusive right, for seventeen years, to manufacture and sell his production or discovery within the United States. Models of many of the articles patented in this country are kept in the patent office at Washington. The work of the patent office is under the supervision of the department of the interior, and the business of issuing patents is so conducted as to be more than self-supporting. The government has issued more than nine hundred thousand patents since its organization.

Expense.—An applicant for a patent must send a fee of fifteen dollars with his application, and also, if required, a model of the article upon which he seeks to obtain the patent. This fee is required by the government as pay for having its officials make the necessary search among the records in the patent office to see whether a similar article is already under patent, and the money will not be returned, even should a patent not be granted. The records of all patented articles are preserved by the government, and filed in a systematic way, so that they may be examined at any time. If a patent is issued, an additional fee of twenty dollars must be paid.

As a rule, persons who wish to obtain letters patent upon any article find it well to employ the services of an attorney to see that the work is done as expeditiously as possible. Some law firms at Washington give their entire time and attention to this work. The persons employing legal assistance in securing a patent must bear the expense of such service, in addition to the government charge, so that it usually costs about a hundred dollars to secure a patent.

Copyright.—A copyright is a privilege granted to authors and designers, and it is intended to secure to them the exclusive right to publish their productions for a limited time. An author wishing to copyright a book, chart, map, dramatic or musical composition, or other similar article, may do so by publishing it with due notice of the copyright, as follows: "Copyright, 19—, by ——." This notice, in the case of a book, must be placed on the title-page or the following page.

Cost.—Promptly after such publication, two copies of the article copyrighted must be sent to the register of copyrights, at Washington, D. C., together with a fee of one dollar for the registration of the copyrighted work and for a certificate of registration. Copyrights are not so carefully protected as patents, and no search is made to see whether a similar article has been copyrighted or not. In case of dispute as to authorship, an appeal to the courts must be made, and the date of filing the article with the register of copyrights, as shown by the certificate of registration, may help to determine which claimant is the rightful owner. Patents and copyrights may be bought and sold, but notice of the transfer of either must be filed with the proper authorities at Washington.

Duration.—A copyright secures protection to the author

for twenty-eight years, and, if application is made for a renewal within one year before the term of the copyright expires, it may be reissued for another period of twenty-eight years. The application for a renewal of a copyright must be made by the author himself, or by his widow, children, executors, or next of kin.

Clause 9—United States Courts

To constitute tribunals inferior to the supreme court.

Judicial Department.—This clause is an important one, and congress, exercising the authority granted by it, has established several important courts. Owing to the relation of the inferior courts of the United States to the supreme court, the whole subject of the judiciary will be discussed as the judicial branch of the government, in a later chapter.

Clause 10—Crimes at Sea

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Piracy.—Piracy is robbery committed on the high seas, and it is made a felony by act of congress, as well as by the law of nations. Congress has passed stringent laws for the punishment of piracy, and, as other civilized nations have taken similar action, this crime is now of rare occurrence. By special act of congress, the slave trade was made a form of piracy, early in the nineteenth century, and the penalty affixed for violation of the law was death.

Low Water Mark.—The jurisdiction of a state bordering on the ocean extends to one marine league beyond low water mark, and the nation has control of oceanic waters for the same distance in the interests of commerce. The nation also has control of the gulfs and bays that indent its coast. By low

water mark is meant the line of the shore which marks the limit of the ocean at low tide.

Citizens.—The offenses against the law of nations here referred to apply only to citizens of the United States, as congress has no power to legislate for other nations. Each nation is responsible to every other nation for the acts of its citizens. The United States has been called upon to make reparation for injuries done to citizens of other countries, and the power of our government is often invoked to protect the rights of our citizens in foreign lands. With the advancement of civilization the right of every nation to be secure in its property interests, on sea and land, is being recognized by all.

Clause II—Declaration of War

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

War.—One of the sovereign powers of a nation is that of declaring war. The United States has been engaged in four important wars with foreign nations, and in a great civil war, as well as in several wars with the Indian tribes within our borders. A declaration of war is a very important step for any nation to take. It is a formal declaration to the world that war is about to begin, or has begun, and war is always terrible. In recent years, the invention of rapid fire guns, smokeless powder, and other agencies for the destruction of life in battle makes the thought of war a fearful thing to contemplate. Peace congresses and other forces are at work, hastening the day "When nation shall not lift up sword against nation, neither shall they learn war any more."

Treaty of Peace.—When congress has declared war against a nation, a treaty of peace is necessary in order to terminate the war. A treaty of peace is usually agreed to by com-

missioners appointed for that purpose, but the terms of the treaty must be ratified by the president and senate. A two-thirds vote of the number of senators present, when a treaty is under consideration, is necessary for the ratification of a treaty.

National Wrongs.—Sometimes a nation neglects or refuses to make reparation for the wrongs done to another nation, or to its citizens. In that case, the injured nation may issue a license to its citizens, authorizing them to seize the property of the offending nation on the high seas, and to hold it subject to the law of nations governing such cases. This plan was often resorted to in the wars of former times for the purpose of destroying the commerce of an enemy. The seizure of property in this manner is not considered piracy, or in any sense criminal; but modern nations have abandoned the practice.

Marque and Reprisal.—The license to make the seizure referred to above is called a letter of marque and reprisal. Citizens armed with such letters are, if captured, entitled to proper treatment according to the law of nations, and they cannot be punished for piracy. The first important act of President Davis, of the Confederate States, in the Civil War, was a proclamation offering to grant letters of marque and reprisal to any persons who might desire to help in the overthrow of "the wanton and wicked aggression" by the president of the United States to coerce the Confederate States. To this proclamation, President Lincoln responded by declaring the Confederate ports in a state of blockade.

Prize Courts.—The United States, in time of war, designates certain ports into which prizes may be taken by persons acting under letters of marque and reprisal. At these ports, prize courts, or courts of admiralty, as they are often called,

are established, and, if it is found by them that the seizure has been properly made, the property is sold, and the money is divided among the officers and crew in a manner prescribed by law.

PART XII

Clause 12—Maintenance of Armies

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

Armies.—The power to declare war would have little force, if it were not accompanied by the right to raise and equip armies. The members of the constitutional convention were divided in opinion concerning the power of congress to raise armies, and the people also, when called upon to ratify the constitution, were found to be much opposed to this part of the document.

Appropriations.—As a safeguard to the people, it is provided that an appropriation for the support of the army of the United States shall not be made for a longer period than two years. By this means, if a war proves unpopular, representatives favoring the wishes of the people could be elected, and the war could be terminated through lack of support of the army.

Standing Army.—It has been the policy of the United States to maintain a small army. There are now about one hundred thousand men in the military service of the government, but just prior to the breaking out of the Spanish-American war, in 1898, the army consisted of about one fourth of the present number. The condition of our army, even now, is vastly different from that of any of the leading countries of Europe. There, each country is obliged to support a large army for self-protection, so that Europe is said to be on a war

footing constantly, and millions of men are kept in training, at all times, to be ready for war at a moment's notice.

Position of United States.—The geographical position of the United States makes it almost unnecessary for the nation to support a large standing army. Controlling the large area that it does, extending from ocean to ocean, with little danger possible from its neighbors, north and south, and separated from Asia and Europe by wide oceans, the United States is more secure from war than any other large civilized nation on earth.

Militia.—In case of war, the United States calls out the militia of the several states, and the volunteer service has always proved very efficient, in time of need. The militia includes all able-bodied male citizens between the ages of eighteen and forty-five years, with few exceptions. Those subject to militia duty in the United States number more than fourteen million, according to the census of 1900. During the Civil War, President Lincoln issued several calls for volunteers to enlist in the army of the United States, and hundreds of thousands answered the call. In the recent war with Spain, many more citizens offered themselves for army service, in response to the call for volunteers by President McKinley, than it was found necessary to enlist.

Clause 13—The Navy

To provide and maintain a navy.

Navy.—Thirty years ago the navy of the United States was old-fashioned and unimportant, but the attention of the government was turned in the direction of its improvement, and a modern navy was gradually built up. Battleships, armored and protected cruisers, monitors, unprotected cruisers, and gunboats were constructed, and at the beginning of the

Spanish-American War our country had a strong navy, though rather small. The brilliant victories of Manila and Santiago astonished the world. From a nation of little naval importance, the government has been able, within a few years, to place itself among the leading nations of the earth in naval power. At no other time in our history has the government demonstrated so clearly the wonderful possibilities of this nation.

Naval Vessels.—The new vessels of the American navy are among the best in the world. The great battleship “North



A United States Battleship

Dakota” has a displacement of more than twenty thousand tons, and yet this gigantic vessel has a speed of twenty-one knots an hour. Its large guns are gigantic engines of destruction, and it carries many rapid fire guns also. It is true that the United States has fewer vessels in her navy than some of the other leading nations of the earth, but the recently constructed vessels of our navy are unexcelled by those of any other power.

Clause 14—Army and Navy Regulations

To make rules for the government and regulation of the land and naval forces.

Military Academy.—Congress has passed many laws relating to the government of its land and naval forces. To provide for the proper training of army officers, there is a military academy located at West Point, New York, and supported at government expense. This academy was opened in 1812, and more than three thousand officers have been graduated from it. Nearly all the great generals of the civil war, on both sides, were graduates of this school.

Cadets.—Each state in the United States is entitled to send two cadets to the military academy, and each congressional district, one. When a cadet has finished the course of study, another from the same district may be sent to take his place. The appointment of cadets is usually made by competitive examinations, and the person chosen must be thoroughly prepared in the common branches of study, and be physically perfect. Cadets are paid six hundred dollars a year for four years, and graduates of the institution receive the rank and pay of second lieutenant.

Naval Academy.—The naval academy was founded, in 1845, by George Bancroft, the noted historian, who was then serving as secretary of the navy. The school is located at Annapolis, Maryland, but, during the civil war, it was removed to Newport, Rhode Island. Midshipmen are appointed from the states and the congressional districts of the United States, and the course of study at the academy is four years. Graduates are commissioned as ensigns in the navy. The allowance made each midshipman is six hundred dollars a year,

Clause 15—The Militia

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Under this clause of the constitution, congress has authorized the president to call the militia into service when necessary. This was done in 1794, 1812, 1861, 1862 and 1863. (See pages 342-343.)

Clause 16—Organization of the Militia

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

Training Militia.—If it were not for this provision of the constitution, by means of which uniformity in military training is secured, the militia would be of little value when called into the service of the general government. It is perfectly proper to permit the states to choose the officers of the militia, but the training of all for active service, officers and privates alike, should be the same for all the states. Congress has passed laws for such training, and, when the militia from different states meet side by side, they find no trouble in complying with orders, for they have all been trained in accordance with the same rules. The states do not provide for the training of all the men who are subject to military duty. In Washington, there are less than twenty-five hundred men in the organized militia of the state, but there are many thousands who are subject to such service in time of war or public danger,

Clause 17—Exclusive Legislation

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Seat of Government.—At the organization of the government, in 1789, congress met at New York. The following year, the capital of the nation was removed to Philadelphia, and, in the same year, congress empowered Washington to locate the seat of government at some point on the Potomac river, to be chosen by him. The present site was selected immediately, and the city of Washington became the capital of the nation, in 1800. The District of Columbia was organized on both sides of the Potomac, and contained, originally, the area permitted by the constitution. Maryland gave sixty-six square miles. In 1846, the Virginia portion was receded to that state, and the District of Columbia has since included only the portion on the Maryland side of the Potomac.

Government.—For seventy years, congress governed the District of Columbia by direct legislation, and then tried the experiment of territorial organization. This did not prove satisfactory, and, after three years' trial, the government was placed in the hands of three commissioners, two of whom are appointed by the president and confirmed by the senate, and a third, who is an officer of the engineering corps of the army, appointed by the secretary of war. These commissioners serve for three years, and they have the management of the

administrative affairs of the District. Congress itself makes the local laws or ordinances for the District. Congress has been very liberal in providing for the expense of governing the capital city, and no other city of the country has a better local government than has Washington. One half of all the expense of governing the District of Columbia is paid out of the national treasury, and the other half, by a tax levied upon the property of the inhabitants. Many public parks, boulevards, drives, and places of public resort have been paid for by congress out of the national treasury.

United States Property.—The United States owns custom-houses, navy yards, post offices in many large cities, parks, and other property in different parts of the country. Land is obtained as sites for public buildings from the several states, but certain rights of reversion, and sometimes of joint occupancy, are reserved by the states. The reverting clause will cause the land to be returned to its former owners, or their heirs, in case the government discontinues its use for public purposes. The right to serve writs or other legal notices for the enforcement of the laws of the state is also reserved by the states. This is done to prevent these places from becoming a place of refuge for criminals fleeing from state authority.

Clause 18—Legislative Power

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Summary.—This clause is a grand summary of the powers of congress. It will be seen that the constitution states many things about which congress may legislate, but this is only for the purpose of pointing out some of the most important

subjects requiring general legislation. In order to confer upon congress the right to legislate in all matters covered by the constitution for the government of the United States and its people, this declaration is made. There are in the employ of the government—in all branches of the public service, including the military, naval, and marine departments—nearly four hundred thousand persons. This does not include the many thousand persons who are engaged every tenth year as enumerators in taking the census. All laws relating to these officers, their duties, terms, and salaries, have been passed by congress. It will be seen that the power conferred upon congress by this clause is limited to the provisions of the constitution. It sometimes happens that a law of congress is declared unconstitutional by the supreme court. This means that the law was passed without the required authority of the constitution, and the decision of the supreme court annuls the law, and it is then of no effect as law.

PART XIII

SECTION IX. PROHIBITIONS ON CONGRESS

Clause 1—The Slave Trade

The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Slavery.—The curse of slavery had its beginning in this country in 1620, when a Dutch trader brought twenty negroes from Africa and sold them to the planters of Virginia as slaves. Other importations followed, until, at the time of the Revolution, slaves were owned in all the colonies. Prior to the meet-

ing of the constitutional convention, all of the states had prohibited the importation of slaves from Africa, except North Carolina, South Carolina, and Georgia. These states insisted that they would not join the Union, if congress was given the power to prohibit the foreign slave trade, but at last a compromise was effected, and the clause above quoted became part of the constitution.

Sectional.—Slavery was never popular at the North, partly because slave labor could not be made so profitable as in the milder climate of the South, and yet there were some slaves held in New England as late as 1840. It cost nearly as much to clothe and feed a slave in the New England states as he could earn, and much of the work that was to be done in that section was in shops and factories, and the negro seemed to have little fitness for such labor. Then there was the matter of investment, besides the risk of loss of time by sickness, and the loss of the property altogether, in case of the death of the slave. In the South, the negro seemed to thrive, and his labor could be made very remunerative. One member of the constitutional convention asserted in one of the debates before that body, that South Carolina had exported six million dollars worth of agricultural products in a single year, and that this was almost entirely the result of slave labor.

Concession.—To satisfy some members of the convention, it was agreed that congress should not pass any law to prohibit the importation of slaves, prior to 1808. Although Washington owned slaves, he was opposed to slavery as an institution, as were many other members of the constitutional convention. It was supposed that the new government would be organized about the beginning of 1788, and the prohibition made in this clause of the constitution was intended to last for twenty years thereafter.

Restrictions.—The importation of slaves after the first of January, 1808, was prohibited by congress, and penalties were prescribed for violation of the law. But, because slavery had become profitable, the law was often violated. In 1820, congress declared that any citizen of the United States who should engage in the foreign slave trade was guilty of piracy, and attached the death penalty to the crime. Slavery was finally abolished by the thirteenth amendment to the constitution, which was adopted in 1865.

Clause 2—The Writ of Habeas Corpus

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Habeas Corpus.—In England, the writ of habeas corpus was often granted before the days of Magna Charta. The right to a writ of habeas corpus is regarded as one of the strongest safeguards to personal liberty. An innocent person may be arrested, charged with having committed a crime. Instead of being compelled to wait several weeks or months for a hearing before the court having jurisdiction of such cases, he may demand a writ of habeas corpus in the method prescribed by law. This writ is placed in the hands of the sheriff, or other ministerial officer, and he is directed to take the person under arrest before the proper judicial authority, who will at once decide whether the person accused of the crime is legally held to answer for it, or not.

Effect of Writ.—The examination by virtue of a writ of habeas corpus is not a formal trial of the person under arrest, as it is intended to decide only the legality of the arrest. This writ is often used to secure the release of persons unjustly confined in insane asylums and reform schools, and to obtain

the custody of children when the right of guardianship is in dispute.

Congress has conferred upon the president the right to suspend the privilege of this writ in time of public danger. The writ can be suspended only in the places actually suffering from invasion or insurrection. In September, 1863, President Lincoln suspended the right to a writ of habeas corpus throughout the United States in the case of deserters and of others accused of offenses against the military and naval service of the country.

Clause 3—Laws Forbidden

No bill of attainder or ex post facto law shall be passed.

Prohibition.—It would hardly seem necessary to have this prohibition placed upon congress, and yet it must be borne in mind that the founders of our government wished to protect the people against unjust or arbitrary legislation. It must be remembered that the colonies had suffered many years from the obnoxious laws passed by parliament, and they were careful to see that all their rights were securely guarded. The Declaration of Independence was a vigorous protest against the arbitrary rule of the mother country.

For the meaning of "bill of attainder" and "ex post facto" law, review page 122. Congress has frequently passed laws that were retroactive, but they did not apply to anything of a criminal nature. All the bankruptcy laws passed by congress have been retroactive.

Clause 4—Direct Taxes

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Direct Taxes.—The levying of direct taxes for the support of the general government is made unpopular by this clause. This was not the intention of the members of the constitutional convention, it may be, but the division of taxes according to population is not resorted to in local affairs, and the plan does not seem to meet with popular favor as a means of raising national revenue. The Wilson tariff bill of 1894 provided for a tax on all incomes in excess of four thousand dollars received by all persons within the United States. The supreme court decided this part of the law to be unconstitutional, as it was in the nature of a direct tax, and not apportioned among the states according to population.

In 1909 congress proposed an amendment to the constitution giving congress the power to levy income taxes.

Clause 5—Duties on Exports

No tax or duty shall be laid on articles exported from any state.

Export Duties.—This clause was intended to give to articles of export from the several states an equal chance in competition in trade everywhere. Export duties are seldom popular in any government. The export duties here prohibited are understood to apply to the United States as well as to the states individually. Export duties would have the effect of increasing the price of our products in foreign markets, and this would prevent competition in trade with other countries. Some members of the convention favored a duty on exports as a means of increasing the revenue of the government.

Clause 6—Commercial Restrictions

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall

vessels bound to or from one state, be obliged to enter, clear, or pay duties in another.

Commercial Privilege.—This provision was inserted in the constitution to allay the fears of some of the states that a preference for the ports of one state might give that state a decided commercial advantage over the others. The rights of all the states are carefully guarded by the constitution. Possibly the members of the convention recalled the Boston Port Bill, when this clause was under consideration. The second part of the clause insures certain rights to merchant vessels in carrying on commerce among the states. In order to prevent smuggling or any other violation of the rules relating to customhouse business, all vessels from foreign ports must enter and report their cargoes in detail to the customhouse officers of the port to which they are sent. Vessels leaving an American port with cargoes for some foreign country must obtain clearance papers giving them the necessary authority to sail.

Clause 7—Care of Public Funds

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Appropriations.—Large sums of money are required to meet the expenses of the government for a single year, and it is eminently proper to have all appropriations of the public funds regulated by law. Many items of expense are authorized by general provision of law, as, for example, the payment of salaries of president, congressmen, judges, and other officers. In addition to this, special appropriations are made at each session of congress to defray incidental and unusual expenses of the government.

Government Expenses.—The expenses of the United States, in all departments of public service, amount to over two million dollars a day for every day in the year. Some of this money is paid in fees, which are used to defray the expenses of the office collecting them, and, as stated elsewhere, the postal service is almost self-supporting. The patent office is a constant source of revenue to the government, in addition to the payment of all its expenses.

Publication.—In a republican government, the people claim the right to know how the public money is obtained, and for what purpose it is expended. The secretary of the treasury is called upon, at least once a year, to report to the president the financial condition of the country, and he gives much valuable information to the people concerning the finances of the government. The "Sundries Appropriation Bill," passed by congress at each session, shows in detail the special appropriations made by that body. All the states follow the plan of requiring detailed statements of the receipts and expenditures of the state to be made at each regular session of the legislature.

Clause 8—Titles of Nobility

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Nobility.—If titles of nobility had not been prohibited by the constitution, there would doubtless have been many attempts to establish such titles by law all along through our history. The design of the founders of our government was to prevent any form of aristocracy from gaining a foothold in this country under sanction of law. In short, it was their in-

tention to establish a democracy—"A government of the people, by the people, and for the people."

Prohibition.—The allegiance of citizens of the United States is due to our own government, and the obligation is certainly strong upon those who are chosen to positions of honor or trust among the people. If any officer were permitted to receive gifts of any kind from any foreign power, it would seem to be for some sinister purpose. Congress has permitted public officers, at different times in our history, to receive gifts from foreign powers. In general, the prohibition is a wise one, and it has often been urged that no citizen of the United States should ever be permitted to receive a gift of any kind from any foreign power.

SECTION X. PROHIBITIONS ON THE STATES

Clause 1—Unconditional

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Restrictions upon States.—Before the constitution of the United States was ratified, the several states were independent republics, each one a small nation by itself. But, on entering the Union, it became necessary for each state to surrender certain rights and privileges that it had previously enjoyed, in order that the general government might be made strong and enduring. The unconditional prohibitions of this clause were necessary to promote the general welfare of all the states, and of all the people.

If the states were permitted to enter into alliances of

any kind with foreign nations, it would not be long until the nation might be forced into war in self-defense, perhaps, through the hasty or thoughtless action of a single state. No state was compelled to enter the Union, nor could it gain admission without surrendering those prerogatives which would be likely to cause a conflict between state and national authorities. Were the states permitted to coin money or emit bills of credit, there would be no uniformity in the currency of the country, and the transaction of business according to present methods would be impossible. The money now in use has the same value in all parts of the country, and this is of great benefit in the transaction of business.

Clause 2—Conditional Prohibition

No state shall, without the consent of the congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

State Revenue.—It has come to be the policy of the states to raise revenue for the support of their local government by means of direct taxes. This seems to have grown out of the prohibition placed upon them by this clause. This clause was doubtless based upon the experience of the states during the years from 1781 to 1787. It was intended to remove all causes of jealousy between the states, and to lead them to work in harmony with the general government.

Inspection Laws.—It will be seen that any state may pass laws providing for the proper inspection of articles of merchandise imported into it. Nearly all the states have passed

laws for the testing of illuminating oils, and the cost of inspection may be charged to the owners of the oil at the time the inspection is made. Barrels or tanks containing the oil are stamped by the inspector in such a way as to show the result of the test.

Food Inspection.—Meats and other articles of diet are required to be inspected by the laws of some of the states. This clause of the constitution prevents any state from making profit out of inspection fees levied on goods imported from other states.

Clause 3—Conditional Prohibition

No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Nation Supreme.—The language of this clause is so definite as to require little explanation. The whole purport of the constitution is to make state authority subordinate to that of the general government in all matters of common interest. It is the same principle that sometimes requires the sacrifice of private interest for the public good. The natural law of self-preservation would justify a state in acting in self-defense in case of imminent danger or actual invasion.

CHAPTER VIII

ARTICLE II. THE EXECUTIVE BRANCH

PART I

SECTION I. ELECTION OF PRESIDENT

Clause 1

The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice president, chosen for the same term, be elected as follows: (See Clause 2.)

Executive Authority.—The framing of this part of the constitution was a very difficult one. Under the articles of confederation, there was no executive authority except such as congress could exert incidentally. Every point relating to the executive was carefully discussed in the constitutional convention, and changes were frequently made in the provisions relating thereto.

Executive Council.—Instead of having a single president, some members favored an executive council of the government to consist of three members. It was claimed by some that the executive would be more efficient if it consisted of three members, one being chosen from each of the three sections of the Union. After much discussion, it was determined to adopt the plan of having but one executive, and the committee having this matter in charge decided that the title of the presi-

dent should be, "His Excellency." As this seemed to point to the establishment of what might be considered by some a title of nobility, it was discarded.

Term.—What should be the length of the presidential term of office? Some favored an annual appointment or election. Others were in favor of having the executive serve during life or good behavior. Between these extremes, there seemed to be all possible shades and differences of opinion. The first plan agreed upon was that the president should be chosen for a term of seven years and that he should be ineligible to reelection.

Change.—For some reason, it afterwards seemed advisable to change this provision, and, after another prolonged discussion, it was decided to make the presidential term four years, and to say nothing about reelection. In recent times, many persons and one or more political parties have advocated a presidential term of six years, with the provision that the president could serve only one term. It is not likely that any change will be made in this clause, because the demand for such a change is not very urgent, and it could be brought about only by an amendment to the constitution. The changes that have been made in the constitution thus far have all been of great importance.

Number of Terms.—Washington was urged to become a candidate for a third term, but he deemed it unwise, and the example he set has been followed all through our history. Van Buren was three times a candidate for the presidency, although he served but one term. Grant was a candidate for a nomination for a third term, but, although he was very popular as president, not many people favored his nomination for a third term. Washington, Jefferson, Madison, Monroe, Jackson, Lincoln, Grant, Cleveland, and McKinley are the

only presidents who have been elected for a second term. Roosevelt is the only "accidental president" who has ever been elected to the presidency after having served part of the term for which he was elected as vice president. Only four of the presidents have been reelected since 1833. It seems as if the people of the United States now favor a single term for the executive, except in rare cases.

Vice President.—The office of vice president met with much opposition. Several prominent members of the convention argued against the office as needless, but the majority of the states became convinced of the necessity for such an officer as the vice president, and the office was accordingly established as provided in this section.

Clause 2—Number and Appointment of Electors

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

Manner of Choosing.—Several plans for the election of president and vice president were proposed, and, after much discussion, the one given above was adopted. Some members favored the election of the president by congress, and others, by the people. The election by the United States senate, by electors chosen by the governors of the several states, by electors chosen by the state legislatures, and by electors chosen by lot from the membership of congress, were some of the recommendations made. From this, we may see what varied opinions prevailed among the members of the convention. Yet the discussions were carried on with the sole intention of

doing what was best for the whole people, and the work was worthy of all the thought bestowed on it.

Choice of Electors.—The state legislatures have provided for the choice of presidential electors, and congress has fixed the time as the Tuesday next after the first Monday in November of every fourth year. Each political party desiring to choose a president and vice president, holds a national convention early in the year and nominates candidates for those offices. Then a state convention of delegates is held by each of the parties in each state in the Union, and as many candidates for presidential electors are nominated as there are members of congress from that state.

Number of Electors.—The electoral college of the United States now consist of five hundred and thirty-one members, a number equal to the present membership of both houses of congress. Washington elects two senators and five representatives in congress, and, consequently, each political party in the state nominates seven presidential electors. In voting, each elector casts his ballot for the five presidential electors nominated by the party to which he belongs. The party casting the largest number of votes at the general election in any state elects the full number of presidential electors from that state. These electors are morally, or rather politically, bound to vote for the nominees of their party for president and vice president.

Prohibition.—The prohibition placed upon senators, representatives, and persons holding positions of trust or profit under the government, is intended to make the choice of president and vice president entirely free from the bias that is likely to attend the holding of office. It was the intention of the founders of the government to permit each presidential elector to vote for any eligible person for these offices, inde-

pendently of his political connections, but this has never been the practice. Only once in our history have presidential electors voted for any other persons than the ones nominated by their political party. This was in 1872, and was occasioned by the death of Horace Greeley, which occurred between the time of the general election and the date set for the meeting of the presidential electors. The sixty-six electors chosen to vote for Mr. Greeley were obliged to vote for some one else, a majority of them voting for Thomas A. Hendricks, of Indiana.

Clause 3—Election of President and Vice President

(For the language of this clause, see copy of the constitution, pages 226, 227.)

Original Plan.—The original clause of the constitution provided that the presidential electors must vote for two persons without expressing their preference for president and vice president. The person having the largest number of votes, if that number was equal to a majority of the electors, was elected president, and the one having the second largest number was the vice president. The plan worked well at the first two presidential elections, but at the election in the year 1796, it resulted in the choice of president and vice president from different parties, and in 1800 it resulted in a failure to elect, because exactly the same number of votes (a majority) was received by both Jefferson and Burr, the candidates of the successful party for president and vice president. The failure of the electors to choose a president threw the election into the house of representatives.

Election of Jefferson.—The election in the house was made by the old plan of voting, each state having but one vote. Of the sixteen states represented, eight voted for Jefferson, six

for Burr, and the votes of the other two states were divided. It was not until the thirty-sixth ballot was taken that Jefferson received a majority of all the votes.

Twelfth Amendment.—The twelfth amendment to the constitution, adopted in 1804, was intended to prevent the choice of president and vice president from different political parties. The present plan of nominating a candidate for the presidency and one for the vice presidency prevents such rivalry as existed between Jefferson and Burr. The twelfth amendment is inserted and discussed here, instead of in its historical place among the other amendments.

The Twelfth Amendment

The electors shall meet in their respective states and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for president, shall be president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president,

the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice president shall act as president, as in the case of the death or other constitutional disability of the president.

The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice president of the United States.

Choice of Candidates.—It is sometimes asserted that the president and vice president cannot be elected from the same state. This is not likely to occur, but the constitution does not prohibit it. Political parties always take the precaution to nominate their candidates for president and vice president from different states, in order not to disqualify the presidential electors from any state from voting for the candidates for both offices.

Illustration.—This may be made plain by a single illustration. New York now has forty-five electoral votes. Suppose one of the great political parties should select its candidates for president and vice president from that state, and that it was successful in electing its presidential electors in

that state. When the electors met to cast their votes, they could vote for but one of the candidates, because of the constitutional provision that one of the candidates must not be a resident of the same state with themselves.

Clause 4—Times of These Elections

The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Summary.—The following summary may aid in the study of this subject:

1. Nomination of candidates for president and vice president by each of the great political parties. This is done by a national convention composed of delegates chosen from the different states by conventions held for that purpose.

2. Nomination of presidential electors by state conventions, each state being entitled to as many such electors as it has members of congress in both houses.

3. Election of presidential electors the Tuesday next after the first Monday in November of every fourth (leap) year.

4. Meeting of the presidential electors on the second Monday of January following their election—usually at the state capital.

5. At this meeting, the ballots of the electors are cast for the nominees of their party for president and vice president.

6. The ballots must be separate and distinct, each showing the name of the candidate and the name of the office.

7. Three separate lists of the votes are made, signed by the electors, sealed, and certified.

8. One list is sent to the president of the United States senate by mail; the second is sent to him by special messenger, generally by one of the electors chosen for that purpose; and

the third is deposited with the judge of the United States district court for the district in which the electors meet.

9. The certificates from all the states are opened and counted in the presence of both houses of congress, on the second Wednesday of February following.

House of Representatives.—In case no choice has been made by the presidential electors, the house of representatives proceeds at once to the election of a president, and the senate to the election of a vice president. Reference has already been made to the election of Thomas Jefferson by the house of representatives, in 1801. In 1824, there were four candidates for the presidency, Andrew Jackson, who received ninety-six electoral votes; John Quincy Adams, eighty-four votes; William H. Crawford, forty-one; and Henry Clay, thirty-seven. As one hundred and thirty votes were necessary to a choice, the election was thrown into the house of representatives. Of the twenty-four states then in the Union, Adams received the votes of thirteen, and he was declared duly elected. John C. Calhoun had received a majority of the electoral votes for the office of vice president, and he was therefore elected by them.

Senate.—Richard M. Johnson was chosen vice president by the senate, in 1837, the only time that the election of vice president has devolved upon that body. He had lacked but one vote of an election by the presidential electors, and this fact showed him to have been a popular candidate with the people. If the house of representatives fails to choose a president, when that duty devolves upon it, before the fourth day of March following the meeting of the electors, the vice president will become president of the United States. This has never happened in our history.

Electoral Commission.—In 1876, there arose a dispute in

some of the states as to the choice of presidential electors, both of the great political parties claiming the election of their candidates. At the meeting of the congress for the purpose of counting the electoral votes, it was found that there were two sets of certificates from South Carolina, Florida, Louisiana, and Oregon. There were twenty-one votes in dispute from these states. No case of this kind had ever before occurred in our history, and the law which Congress had passed to cover such cases was inadequate and unsatisfactory. A new law was therefore passed, under which a joint high commission, consisting of five senators, five representatives, and five judges of the supreme court, was appointed to settle the difficulty.

Work of Commission.—This commission did not elect the president, as is sometimes stated. There are only two ways by which the president can be chosen. The commission was empowered to take testimony, examine into election frauds, and decide which presidential electors had been properly chosen in the disputed states. The commission decided that Rutherford B. Hayes was entitled to the twenty-one electoral votes from the disputed states, which gave him one more vote than his opponent, Samuel J. Tilden, and he was declared elected.

Act of 1887.—In 1887 congress passed an electoral count act, which provides for the settlement of disputes in all future elections. Each state has the power to determine, under its own laws, what men are the electors from that state.

Electoral College.—The presidential electors of the state are often called the electoral college, and the same term is also applied to all the presidential electors of the United States. No meeting of all the presidential electors is ever held. These officers are usually paid a small per diem for

the time they are in attendance at the meeting at the state capital, and mileage sufficient to defray their necessary traveling expenses. Each state regulates this matter by law. Presidential electors in Washington are paid five dollars a day for the time actually employed in the discharge of their duties, and ten cents a mile for the necessary distance traveled in going to and returning from the seat of government.

PART II

Clause 5—Qualifications

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Qualifications of President.—It would seem to be the part of wisdom to restrict the right to hold the highest office within the gift of the people to native-born citizens of the United States. Many of the ablest members of the constitutional convention, and many other persons who had done much to help the colonies in their struggle for independence, were not born in this country. It was for these two classes of persons that the exception was made, so that they would be eligible to the presidency, if they were citizens of the United States at the time of the adoption of the constitution. The exception does not now apply, of course, on account of the lapse of time.

Age.—The minimum age required for president and vice president is certainly low enough. No person has ever been chosen to either of these offices at so early an age as thirty-five years.

Residence.—The latter part of this clause has always been a matter of dispute among students of the constitution. It was evidently the intention of the founders of the constitution to have the “fourteen years a resident within the United States” apply to the fourteen years immediately preceding the election. This number of years covers the period from twenty-one years, the earliest voting age, to thirty-five years, the minimum age at which a person may be elected president or vice president.

Interpretation.—In the absence of any interpretation of this clause by the supreme court of the United States, the language of the constitution must be taken literally. Viewed in this way, any fourteen years of residence within the United States would fill the requirement of this clause; but there is little doubt that the term intended by the founders of the constitution was the fourteen years immediately preceding the election.

Property Qualifications Suggested.—The qualifications required for president and vice president were not agreed to without a great deal of discussion. Some members of the convention favored a property qualification, and one, more specific than the others, stated that, in his opinion, any person elected president should be required to certify under oath that he was the owner of real estate to the value of one hundred thousand dollars. He also advocated a property qualification for all the important officers of the government.

Vice President.—The qualifications of vice president are the same as those of president. This is perfectly proper, as the vice president may, at any time, be called to the presidency. John Tyler, Millard Fillmore, Andrew Jackson, Chester A. Arthur, and Theodore Roosevelt succeeded to the presidency on account of the death of the president.

Clause 6—Vacancies

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

Presidential Succession.—Three years after the adoption of the constitution, congress passed a law which named the president *pro tempore* of the senate and the speaker of the house of representatives as the officers in the line of succession to the presidency, in case of the inability of both the president and vice president to serve.

Change Needed.—By the death of President Garfield, in 1881, Chester A. Arthur succeeded to the presidency. It so happened that congress had not been called to meet in special session that year, and so neither house had organized. There was, therefore, no president *pro tempore* of the senate or speaker of the house. The question was often asked in those days, "Who will become president, in case President Arthur should die?"

Second Instance.—Four years later, Vice president Hendricks died, and there was neither a president *pro tempore* of the senate nor speaker of the house. Congress, on assembling, considered several propositions relating to the line of succession to the presidency, and finally adopted the following plan:

Present Law.—In case of the inability of both president and vice president to serve, the members of the president's

cabinet were designated to succeed to the presidency in the order named, provided they are eligible to the office of president by election.

The order is: (1) secretary of state, (2) secretary of treasury, (3) secretary of war, (4) attorney-general, (5) postmaster-general, (6) secretary of the navy, (7) secretary of the interior.

Effect of Law.—The vice president becomes president on the death, resignation, or removal of the latter from office, and he serves for the remainder of the term. A cabinet officer who succeeds to the presidency will, under the present law, serve till a new president has been elected in the usual way. This means that he will serve for the remainder of the unexpired presidential term. No cabinet officer has ever been called upon to act as president. Presidents William Henry Harrison, Zachary Taylor, Abraham Lincoln, James A. Garfield, and William McKinley died in office, and were succeeded by the vice president in each case. Had President Johnson been convicted on impeachment and removed from office, the presidency would have passed to the president *pro tempore* of the senate.

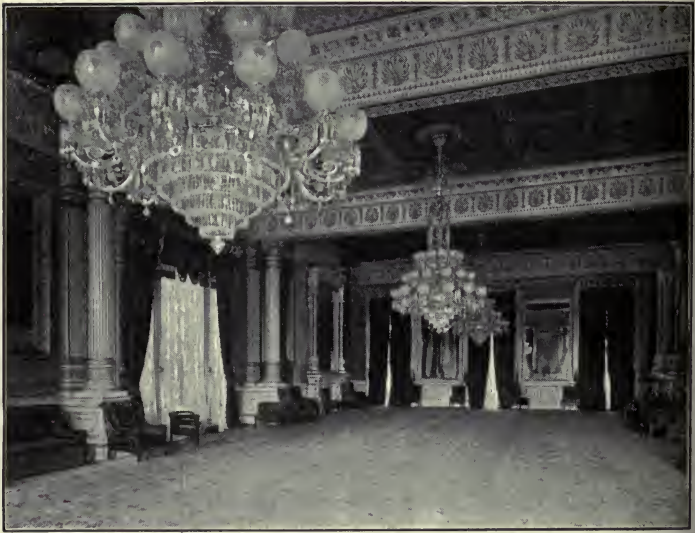
Clause 7—President's Salary

The president shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Franklin's Plan.—Franklin was very much opposed to this clause. He thought that the officers of the general government should serve without pay, and, in a paper which he prepared on this subject, he cited the example of Washing-

ton, who had served without pay as commander in chief of the American forces during the Revolution. He was in favor of having the actual expenses of officers borne by the government. The convention decided in favor of salaries for all government officers.

Salary.—The salary of the president is seventy-five thousand dollars a year, and he has the use of the executive man-



The East Room of the White House

sion, or "White House," which is furnished and cared for at the expense of the government. The salary of the vice president is twelve thousand dollars a year, and that of the president *pro tempore* of the senate is the same amount, whenever he is called upon to preside during a session of congress, but otherwise his salary is the same as that of other senators. The salary of nearly all government officers is paid

monthly, but some of the subordinate officers receive their pay twice each month.

Perquisites.—The “White House,” as the executive mansion is called, was begun in 1792, and John Adams was the first president to occupy it, which he did in 1800. In 1814, the British set fire to the building, but heavy rains prevented any great injury to the walls. In 1817, the house had been rebuilt, and the walls, which were of freestone, were painted white—hence the name “White House.” Many improvements have been made to the building from time to time, and the whole structure has cost the government more than a million and a half of dollars. This building, with the spacious grounds adjoining, is occupied by the president during his official term. In addition to the use of the “White House,” with its furnishings and retinue of servants and guards, many of the incidental expenses of the president and his family are borne by the government, except the expenses for food and clothing.

Expenses.—To many persons the salaries of president, congressmen, judges, and other officers of the government seem large, but the expenses connected with these offices are so great that many of the officers are not able to save anything from their salaries. Few of the presidents of the United States have accumulated any property while in office.

England.—The king of England is allowed a salary amounting to nearly two million dollars a year, and an additional allowance of three hundred and fifty thousand dollars is made to the other members of the royal family. By far the greater part of these sums is obtained from the rent of property belonging to the crown, and only a very small part is raised by taxation. The other European nations pay large sums of money annually for the support of their rulers.

Clause 8—Oath

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability preserve, protect, and defend the constitution of the United States."

How Administered.—This oath is administered to the president by the chief justice of the supreme court of the United States, and generally in the presence of thousands of people who have assembled to witness the ceremony. As the supreme court had not been organized when Washington was inaugurated, the oath of office was administered to him by Chancellor Robert R. Livingston, of New York. The vice president is also required to take an oath of office, but should he be called upon to succeed to the presidency, he then takes an additional oath as president of the United States.

PART III

SECTION II. POWERS OF THE PRESIDENT

Clause 1

The president shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Commander in Chief.—The constitution provides that the president shall be the commander in chief of all the land and

naval forces of the United States. The governor of each state is empowered to call out the state militia, to enforce the laws of the state and to maintain peace within its borders, if necessary, but he has not the power to send them outside of the state. The president may call out the state militia to aid in executing the laws of the nation, or to suppress insurrection and to repel invasion. He is not required, or expected, to take command of the army or navy in person, but he is the one upon whom the direction of the military and naval operations of the nation must fall. Several of the presidents were experienced generals before they were chosen to the position of chief executive of the nation. Military officers are appointed to the command of the different divisions of the army and navy, and the president exercises only general supervisory powers over their action.

Cabinet.—Although the constitution does not provide for the organization of a cabinet of advisers for the president, the language of this clause seems to imply that the government would be divided into departments for the proper enforcement of its laws. It would be impossible for the president to give his personal attention to the work of any of the departments as now organized, in addition to performing the other duties now devolving upon him.

Departments.—There are now nine departments of the executive branch of our government. The title of the chief officer and the date of organization of each department are here given.

Department of state, September, 1789.

Department of treasury, September, 1789.

Department of war, September, 1789.

Post office department, September, 1789.

Department of navy, May, 1789.

Department of interior, March, 1849.

Department of justice, June, 1870.

Department of agriculture, February, 1889.

Department of commerce and labor, February, 1903.

Secretary of State.—The secretary of state is usually considered the highest officer in the cabinet, probably on account of the nature of his work. Under the direction of the president, he carries on the correspondence of the nation with foreign powers. He is the custodian of the great seal of the United States, with which he seals all state papers signed by the president and countersigned by him. All laws of congress, amendments to the constitution, proclamations of the president, and original drafts of treaties are published under his direction. Perhaps the most important part of his work is the management of affairs with foreign countries. At first, the department of state was called the department of foreign affairs.

Secretary of Treasury.—The secretary of the treasury is the legal adviser of the president in all matters relating to the finances of the government. He proposes plans for raising the necessary revenue for the support of the government, and the collection of all public money is intrusted to his care. He also furnishes congress with estimates of the probable receipts and expenditures of the government for each ensuing year. It must not be understood that the secretary of the treasury receives and distributes the money belonging to the United States. That work is done under the direction of the treasurer of the United States, who is one of the subordinate officers of the treasury department.

Other Duties.—The secretary of the treasury controls the construction of public buildings, the coinage and printing of money, the life-saving, and marine hospital branches of the

public service. "To promote the general welfare," the general government expends many millions of dollars annually, under the direction of the different bureaus of the treasury department. The life-saving service alone costs the government several million dollars every year.

Bureaus.—The work of the treasury department is separated into divisions called bureaus. There are two comptrollers, six auditors, a treasurer, register, commissioner of internal revenue, two or three directors, and a bureau of engraving and printing. Each of these officers has very important work to do in the management of the financial affairs of the nation.



The Treasury Building, Washington, D. C.

Secretary of War.—The secretary of war is the chief officer of the department of war, and he controls the army, under the direction of the president. Certain general powers are conferred upon him by law. He makes the estimates for the necessary expenses of his department, superintends the purchase of supplies for the army, and has charge of all matters pertaining to the building of forts and improvement of rivers and harbors. To aid him in the discharge of his duties, cer-

tain assistants are appointed to take charge of special parts of the work of his department.

Secretary of Navy.—To this officer is entrusted the general supervision of the navy, under the direction of the president. He has the care of constructing the war vessels of the government, and he sees that they are properly manned, armed, and equipped for service. The navy yards of the government and the marine corps are controlled by him. The construction of war vessels, their armament and equipment, the hiring of vessels in time of war, and much other important work connected with the navy belongs to this department. Its work is managed by bureaus, each of which is a division of the navy department.

Postmaster-General.—The postmaster-general has charge of the postal affairs of the government. He appoints all the subordinate officers of the post office department, except the first four assistants and postmasters whose salary exceeds a thousand dollars a year. The amount of work done by this department is enormous. It includes the purchase of supplies for the postmasters and other postal employees of the United States, the printing of stamps and money order blanks of all kinds, the supervision of the dead letter office, the railway and foreign mail service, the letting of contracts for carrying the mail, and, in fact, everything connected with the proper distribution of the correspondence of the people of the nation. In no other way are the people of the United States made so intimately acquainted with the good work done by the general government. While the work of this department reaches every family in the nation, comparatively few people are brought into touch with the work of the other departments.

Department of Justice.—The attorney-general is at the head of this department. He is the legal adviser of the

president and the members of the cabinet, and he is required to give general direction to the work of attorneys and marshals in the different districts of the United States. The office of attorney-general was created in 1789, but the department of justice was not organized until 1870. This department appears for the United States as attorney before the supreme court or the court of claims in all cases in which the government is a party. The attorney-general has several assistants and many subordinate officers to aid him in the discharge of the duties properly belonging to this department.

Department of the Interior.—This is one of the most important departments of the executive branch of our government. The secretary of the interior is its chief officer, and, under his direction, all public business relating to pensions, patents, Indian affairs, and public lands is carried on. He has the care of the national parks of the United States, and the distribution of all appropriations for agricultural and mechanical colleges endowed by the general government. The commissioner of patents, commissioner of pensions, commissioner of the general land office, commissioner of Indian affairs, commissioner of education, and the director of the geological survey are some of the important officers of this department.

Department of Agriculture.—The department of agriculture was established in 1889. Its highest officer is the secretary of agriculture, and he is required to attend to all government business relating to farming. The agricultural experimental stations of the country that receive any support from the general government are placed under his charge. Valuable experiments in the cultivation of grain, fruits, and vegetables are performed by this department, and the result of them is distributed in pamphlets and books to persons

interested, free of charge. The weather bureau is a division of the department of agriculture. Other bureaus have charge of experiments in animal industries, forestry, and the investigations necessary in enforcing the pure-food laws.

Commerce and Labor.—The department of commerce and labor has a great amount of very important work to perform. It promotes the industries of manufacturing, mining, fishing, and commerce, and has general supervision of immigration, naturalization, navigation, and the taking of the census, as well as various matters of special interest to the laboring classes of the country. The different bureaus of the department are well equipped, and much very efficient work is done by them.

The work of the census bureau alone employs many thousand persons during the time of the counting of the people, and the compiling of the census reports furnishes employment for many people throughout the entire decade following the enumeration.

Interstate Commerce Commission.—This commission consists of seven members who are appointed by the president and confirmed by the senate. It is not under the control of any of the nine departments. It has supervision of the interstate commerce of the country, for the correction of abuses in the transportation of goods from one state to another. It has control over the interstate railroad companies, express companies, etc., of the country as to their business in general, and especially with reference to the charges made for carrying goods different distances. The work of this commission is growing in importance and value to the people of the country, and many abuses in domestic commerce have been corrected by it. The commission was organized in 1887. As there are now more than two hundred thousand miles of railroad in the

United States, and over a million and a quarter of people employed by the different railway companies of the country, the magnitude of the work of this commission can hardly be realized.

Civil Service.—Many offices of the government have been, and still are, considered political. By this plan, a change of the party in power means a change in the officials in these places, for political reasons only. "To the victors belong the spoils," has been the maxim of many political leaders of all parties in our country, but the sentiment in favor of continued service for efficient work done is growing, and the time is not far distant when merit rather than faith in any political platform will determine one's fitness for office. It is to be hoped that the appointment of postmasters will soon be taken out of the hands of members of congress, and their appointment made according to the rules of the civil service, or their choice be left to the people, as in the case of other officers of a purely local character.

Civil Service Commission.—The civil service commission was provided "To regulate and improve the civil service of the United States." There are three commissioners, a chief examiner, and several subordinate officers. The places in the public service which are now filled by appointment of persons who have passed examinations prescribed by this commission, number many thousands, and the list is increasing every year. Applications for the positions open to competitive examination may be made by any person who complies with the rules. The purpose of the commission is to enable the president to procure competent assistants to aid in executing the laws of congress.

Other Executive Officers.—Among other officers not under the control of any of the nine departments, are the public

printer and the librarian of congress. They are appointed by the president with the consent of the senate. The public printer is at the head of the government printing office at Washington city—the largest establishment of its kind in the world. The librarian of congress has charge of the great congressional library, and oversees the work of the register of copyrights.



Senate Reading Room in the Congressional Library

Term of Cabinet Officers; Salary.—The members of the cabinet are appointed by the president to serve during his term of office, but, in case of the death of the president, it is customary for the cabinet to place their resignations in the hands of his successor at once. When a president has been reëlected, he may or may not change any or all of the members of his former cabinet. The salary of each cabinet

officer is twelve thousand dollars a year. The annual salary of the treasurer of the United States is eight thousand dollars; that of the chairman of the civil service commission is forty-five hundred, and each of the other two commissioners receives four thousand dollars; members of the interstate commerce commission receive ten thousand dollars a year each.

Clause 2—Consent of Senate

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the congress may by law vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

Treaties.—The power of a nation to make treaties is often called a sovereign power. It was feared that a rash president, acting under impulse, might be led to exercise the treaty-making power, if vested in him, in an improper or unsatisfactory manner. On this account, the concurrence of the senate, by two-thirds vote of the members present, is necessary to ratify a treaty of any kind between the United States and a foreign power.

Appointment.—The appointment of all the important officers of the government, except such as are regularly elected in a manner prescribed by the constitution and laws of the country, is made by the president and confirmed by the senate. Such nominations are made by the president in

writing, and the senate may confirm or reject the nomination, as it chooses.

Clause 3—Vacancies—How Filled

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Purpose.—This clause was considered necessary in order that official positions in which vacancies occur may be filled by the chief executive during the time the senate is not in session. The appointment runs to the close of the next session of the senate, in order not to compel that body to change its plan of business, or to oblige it to reach a decision in the appointment of officers at any specified time.

PART IV

SECTION III. DUTIES OF THE PRESIDENT

He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

President's Message.—At the beginning of each session of congress, the president makes a report of the condition of the Union, in what is called the "President's Message." Presidents Washington and Adams appeared before congress on

the first day of each session, and delivered an address on the condition of the government, at the same time making such recommendations as seemed necessary. Washington sometimes met with the senate in executive session to consider the needs of the country. It was doubtless the intention of the constitutional convention that the president and senate might confer frequently with regard to national affairs, but this is not now the custom. President Jefferson sent a written message to congress, and this plan has been followed by the other presidents down to the present time.

Special Session.—Presidents John Adams, Jefferson, Madison, Van Buren, William Henry Harrison, Pierce, Lincoln, Hayes, Cleveland, McKinley, Roosevelt, and Taft have found it necessary to call special sessions of congress. There have been only fourteen special sessions of congress thus far, but the senate is often required to remain in session to confirm appointments after the adjournment of the house of representatives. This often happens in the odd-numbered years, and especially in those in which there is a change of president. The term of office of representatives of each alternate congress expires on the day the president is inaugurated, and there may be no necessity for reorganizing the house at that time. Of late years, it has been the custom for the outgoing president to call the senate to meet in special session immediately after the new president has taken the oath of office. This courtesy enables the new president to secure immediate confirmation of the appointment of his cabinet officers and other important assistants.

Ambassadors, etc.—The term minister includes several classes of officers appointed to represent the government at the courts of foreign nations. Ambassadors, envoys, and ministers plenipotentiary are all included under the general

term of foreign minister. During recent years, the United States has appointed ambassadors to ten or more countries. The different classes of ministers to foreign countries represent the government in an official or political capacity. Consuls are appointed to foreign ports to represent the government in commercial matters. The appointment of ambassadors, ministers, consuls, and other representatives of our government to foreign countries is an important duty, and it is of scarcely less importance that the official representatives of other nations should be properly received by the president.

Foreign Ministers.—All the leading nations of the earth send ministers to represent them at our national capital. When a minister from a foreign country arrives at Washington, he sends his commission to the secretary of state, and, in a short time, he is informed as to whether he will be received as the representative of his nation, or not. If his appointment is satisfactory, he then makes a formal visit to the president, and, during the interview which follows, he is notified that he is received as the representative of his country to the United States. It sometimes happens that our government dismisses the representative of a foreign nation. Sometimes a milder form of dismissal is adopted, the minister being recalled by his own government at the request of the United States authorities.

Salaries.—Ministers to a few of the most important countries receive an annual salary of seventeen thousand, five hundred dollars. Ministers to other countries receive ten thousand or twelve thousand dollars a year each. Ministers resident receive from five thousand to ten thousand dollars a year. Consuls receive from two thousand to twelve thousand dollars a year, according to the importance of the cities to which they are assigned. Consular agents in some minor

cities are paid by fees, the amount being very small in some instances.

Highest Duty.—But the highest duty of the president is to see that the laws of the United States are properly enforced. The president cannot do this work alone, but, by virtue of the power vested in him by the constitution and laws of congress, he commissions others to do the work. His work, officially, is to sign public documents, commissions, and other papers relating to the enforcement of the laws. In time of war, the president is often compelled to govern in a way that would seem to be very arbitrary in time of peace. Our presidents, as a rule, have been men of good judgment, conservative in the exercise of executive authority, and so there has never been any thought that the president might usurp powers not fully recognized by the constitution.

Commissions.—The president signs the commissions of all officers of the United States. These commissions are countersigned by the secretary of the proper department and sealed with the seal of that department. The following is an exact copy of the commission of the postmaster of Spokane, Washington, and a change in the name of the office, the officer, and the location is all that is necessary to make the commission applicable to any office filled by presidential appointment:

POSTMASTER'S COMMISSION

WILLIAM HOWARD TAFT

PRESIDENT OF THE UNITED STATES OF AMERICA

To All to whom these Presents shall come, Greeting:

KNOW YE, That reposing special trust and confidence in the intelligence, diligence, and discretion of Walter P. Edris, I have nominated, and by and with the advice and consent of the senate, do hereby appoint him postmaster at Spokane, in the county of Spokane, State of Washing-

ton, and do authorize and empower him to execute and fulfill the duties of that office, according to the laws of the United States, and the regulations of the post office department.

And to have and to hold the said office, with all the rights and emoluments thereunto legally appertaining unto him, the said Walter P. Edris, for and during the term of four years, from the twenty-sixth day of July, 1909, subject to the conditions prescribed by law.

IN TESTIMONY WHEREOF, I have caused these letters to be made patent, and the seal of the post office department of the United States to be hereunto affixed.

Given under my hand, at the city of Washington, this seventeenth day of August, in the year of our Lord, one thousand, nine hundred and nine, and of the independence of the United States of America, the one hundred and thirty-fourth.

By the President: WM. H. TAFT.
(SEAL) FRANK H. HITCHCOCK, POSTMASTER-GENERAL.

SECTION IV. REMOVAL FROM OFFICE

The president, vice president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

On the subject of impeachment, read pages 256-257.

Treason; Bribery.—Treason is defined by the constitution in language clear and definite: "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort." Bribery is one of the hardest crimes to punish because of the difficulty of detection. The person who gives, or even offers a bribe, is guilty of a crime, but the constitutional provision given above applies only to civil officers. The punishment for bribery is fixed by law and the penalties are very severe.

State Laws.—Nearly all the states provide by law that any

person found guilty of offering to purchase the influence of any officer or other agent by an offer of money, or other article of value, is guilty of felony, and, in addition to other punishment, he is forever disqualified from exercising the right of suffrage, and from holding any position of honor, trust, or profit, under the constitution and the laws of the state.

CHAPTER IX

ARTICLE III. THE JUDICIAL BRANCH

PART I

SECTION I. ORGANIZATION

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Organization.—The organization of a judicial branch of the government was an absolute necessity. Under the articles of confederation, there was no tribunal to interpret the laws of congress, or to decide cases of law and equity among the states or the inhabitants thereof.

Independent.—An effort was made to have this branch of the government as nearly independent of the other two branches as possible. To prevent the judges of the principal courts from feeling any dependence upon any other authority, these officers are appointed for a longer term than those of either of the other branches.

Tenure of Office.—Judges of the supreme court and of the regular inferior courts are appointed to serve during good behavior. This provision is certainly a wise one, as it insures

impartial decisions. If judges were appointed for a short term of service, they might be influenced by an undue desire for reelection, and their decisions might be modified more or less on that account.

Retirement.—Judges seventy years old or more, whose tenure of office is good behavior, may retire from active service



Supreme Court Room

and yet receive full salary for the remainder of their lives, as a kind of pension, provided they have had at least ten years' service in the position from which they retire.

Supreme Court.—The supreme court of the United States is the highest judicial authority of the nation. As the court is often divided in opinion upon subjects referred to it for settlement, it was found advisable to have an odd number of

judges compose the court. The present membership is nine, and any six members constitute a quorum. The decision of a majority of the court is the decision of the court. If any member objects to a decision that has been made by the court, he is privileged to render a minority opinion, differing from the action of the majority. One term of the supreme court is held at Washington each year, beginning on the second Monday in October.

Chief Justice.—One of the members of the supreme court is known as the chief justice, and the other eight, as associate justices. If a vacancy occurs in the office of chief justice, the position is filled by appointment in the usual way, and thus it sometimes happens that a person who has had no experience as judge of any court may be appointed chief justice of the United States supreme court. Melville W. Fuller, who was appointed chief justice of the supreme court by President Cleveland, in 1888, had had no experience as judge of any of the United States courts.

Judges of the Regular Inferior Courts.—Congress has provided for such inferior courts as have been found necessary. The United States is divided into nine judicial circuits, and a judge of the supreme court is assigned to each of these circuits as circuit judge *ex officio*. Two, three, or four circuit judges are also appointed for each of the circuits of the United States. Each state constitutes one or more judicial districts, for which a district judge is appointed. There are about ninety of these district judges.

Circuits.—The judicial circuits of the United States are as follows:

1. Maine, New Hampshire, Massachusetts, Rhode Island.
2. Vermont, Connecticut, and New York.
3. New Jersey, Pennsylvania, and Delaware.

4. Maryland, West Virginia, Virginia, North Carolina, and South Carolina.

5. Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

6. Ohio, Michigan, Kentucky, and Tennessee.

7. Indiana, Illinois, and Wisconsin.

8. Minnesota, Iowa, Missouri, Arkansas, Nebraska, Kansas, Colorado, North Dakota, South Dakota, Wyoming, Utah, Oklahoma, and New Mexico.

9. California, Oregon, Nevada, Montana, Washington, Alaska, Arizona, and Hawaii.

Circuit Courts of Appeals.—In 1891, congress authorized a circuit court of appeals for each judicial circuit of the United States. The justice of the supreme court assigned to the circuit, and the circuit and district judges of the circuit are made the judges of this court; but on any given case the court consists of three judges. The justice of the supreme court, if present, serves as the presiding officer of the circuit court of appeals, but, in his absence, the court is presided over by the circuit judge present, who has had the longest term of service.

Sessions.—One term of this court is held annually, and the place of meeting in each circuit is designated by law as follows: First circuit, Boston; second circuit, New York; third circuit, Philadelphia; fourth circuit, Richmond; fifth circuit, New Orleans; sixth circuit, Cincinnati; seventh circuit, Chicago; eighth circuit, St. Louis; ninth circuit, San Francisco.

Purpose.—This court was designed as a means of relieving the supreme court of the United States, and also of the existing circuit court. Both of these courts had been crowded with business, which was delayed year after year, and some relief became absolutely necessary.

Appeals.—Appeals may be taken from the district court to the supreme court, or to the circuit court of appeals, depending on the character of the case. But the judge before whom any cause was tried in the lower court is prohibited from serving as a judge of the circuit court of appeals during its consideration of that case.

District Courts.—Most cases for the federal courts are tried in the first place in a district court. They include civil and criminal cases arising under the laws of the United States. A district court is held by each district judge.

In former times the jurisdiction now exercised by the district courts was divided between the district courts and the "circuit courts," one of which was held in each district, usually by the district judge. The more important cases were tried in the circuit court. But these circuit courts were abolished in 1912.

Salaries.—The salaries of all officers of the judicial branch of our government are fixed by act of congress, and are payable monthly. The salary of the chief justice of the supreme court is fifteen thousand dollars, and that of each associate justice, fourteen thousand, five hundred dollars a year. The justices are also allowed additional compensation for traveling expenses.

Circuit judges are paid seven thousand dollars a year, and district judges six thousand dollars a year.

Special Courts; the Court of Claims.—This court was established in 1855, and it has an important work to perform. It has jurisdiction over certain claims against the United States which involve disputed points of law, "Where the amount claimed exceeds three thousand dollars, or where the decision will affect the class of cases or furnish a precedent for the action of any executive department in the adjustment

of a class of cases, or where any authority, right, privilege, or exemption is claimed or denied under the constitution.”

The chief of any department may refer to this court any claim that it may have pending, and it then becomes the duty of the court to look up the law involved, and to give its opinion as to the validity of the claim. The departments are thus relieved of much business that can be done in a more careful manner by the court of claims. Congress also refers certain claims to this court for investigation.

Settlement of Claims.—If a claim brought against the United States is examined by the court of claims and found just, the court recommends that congress make an appropriation to pay the necessary amount; and its recommendations in such cases are generally followed. Claims to be considered by this court must be commenced within six years from the time they originated.

Membership.—The court consists of five members, and the concurrence of three members is necessary to decide a case. The regular annual sessions are held at Washington, beginning on the first Monday in December.

Customs Court.—The tariff act of 1909 created a customs court of appeals having authority in all cases relating to the collection of import duties, with no appeal to any higher court except on questions of constitutionality. The court consists of five judges, with a salary of ten thousand dollars each.

Supreme Court of District of Columbia.—The supreme court of the District of Columbia is an important court. It has charge of such cases as are tried in the circuit and district courts of the United States, but its jurisdiction is limited to the District. It consists of a chief justice and five associates. There is also a court of appeals of the District of Columbia,

consisting of three members, one of whom is known as the chief justice. The term of office of these judges is during good behavior.

Territorial Courts.—Each regularly organized territory has a system of courts, authorized by congress. The territory is divided into several districts, and a district judge is appointed for each. Four times a year, the district judges assemble at the territorial capital and organize as the supreme court of the territory. Cases appealed from the district courts are examined by the supreme court, and the decision of a majority of the members is the decision of the court. The term of these officers is four years, but the office expires by limitation on the admission of the territory into the Union as a state.

Attorney-General.—The attorney-general appears before the supreme court as a lawyer to defend the interests of the government. A district attorney is appointed for each judicial district to represent the government in cases arising in the circuit and district courts of the United States.

Other Officers.—Each judicial district also has a United States marshal whose duties correspond, in general, to those of county sheriff. The district attorneys and marshals are appointed for an indefinite time, although their term is nominally four years, and a change of the political party in power generally brings about a change of all these officers. Each court also has a clerk who is appointed by the judge of that court. Each marshal and clerk names such assistants as are necessary to aid him in the discharge of his duties, and he is responsible for the work done by them.

PART II

SECTION II. JURISDICTION OF COURTS

Clause I—Extent

The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

Jurisdiction.—This clause was intended to define in general terms the jurisdiction of the courts of the United States, but, as will be seen, there is no division of authority made by the constitution. The supreme court determines the constitutionality of laws passed by congress, when an appeal has been made to it, in a proper manner, from a lower court.

Constitutionality.—Whenever a law has been declared unconstitutional, it has no more force than though it had never been enacted. Laws passed by congress are assumed to be based upon the constitution, until they have been declared unconstitutional by the supreme court. This court cannot act in deciding upon the constitutionality of a law until some case arises requiring such decision. In one important instance, the supreme court has declared a law unconstitutional nearly forty years after the law was passed by congress. The Mis-

souri Compromise of 1820 was declared unconstitutional in 1857.

Law; Equity.—Cases of law are generally under original jurisdiction of the inferior courts, subject to appeal to the supreme court, as provided in the clause relating to that court. Equity cases are those which are not covered by the express terms of any law, but are such as, in justice, demand settlement by the courts of the land.

Kinds of Jurisdiction.—Jurisdiction is original, appellate, concurrent, or exclusive. When a suit must be commenced in a certain court, that court is said to have original jurisdiction over the matter. If a case that has been decided by one court may be appealed to a higher court, the latter is said to have appellate jurisdiction. If a suit may be commenced in either of two courts, at the option of the plaintiff, the courts have concurrent jurisdiction. And when a case may be settled by the court in which it is first examined, and from whose decision there is no appeal, the jurisdiction is final.

Clause 2—Jurisdiction of the Supreme Court

In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

Supreme Court.—In the class of cases mentioned in the first sentence of this clause, the supreme court alone has jurisdiction. The decision of this court is final. Certain cases may be settled by the inferior courts, and from their decision there is no appeal, but as a rule, a party aggrieved

by the decision of a lower court may appeal to the circuit court of appeals, or to the supreme court.

Circuit Court of Appeals.—In general, the decisions of the circuit courts of appeals are final, in the cases appealed to them; but in some cases an appeal may be taken from this court to the supreme court.

District Court.—The district courts of the United States are intrusted with the punishment of crimes committed in violation of United States law. They have general jurisdiction over admiralty cases, crimes committed on the high seas, counterfeiting, violations of the revenue laws, and bankruptcy. They also have jurisdiction over civil cases arising under the laws of the United States; and over civil suits between citizens of different states, even in cases arising under state law.

Eleventh Amendment.—The eleventh amendment to the constitution places a construction upon the judicial power of the government which should be considered in connection with the study of this subject. (See page 386.)

Clause 3—Trial

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

Jury Trial.—The right to a trial by jury in all criminal cases, except those of impeachment, is guaranteed to all persons accused of breaking the laws of the United States. Impeachment is excepted, because the constitution provides the method by which such cases are to be disposed of. (See pages 256, 264.)

SECTION III. TREASON

Clause I

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Meaning.—This definition of treason is a clear one, requiring little explanation. It is understood by the term “overt” act, that some definite act of treason must be performed to bring a person under penalty for the crime. The mere conspiring against the government or entering into a plot to subvert its authority is not treason. An act of treason can be done only by a person who is a citizen of the country against which the act is performed. It follows, therefore, that a man cannot be a traitor to a foreign country. A traitor to his country is always held in the deepest contempt by all good citizens.

Punishment.—According to the constitution, there must be two witnesses to testify to the same overt act of treason, or the offender must confess his crime in open court, in order that there may be conviction for any act of treason. It is intended that the confession of the crime of treason cannot be proved by witnesses, but it must be made in open court. This is done to prevent a person from being convicted of the crime of treason on hearsay evidence. Several laws for the punishment of treason have been passed by congress. The present law provides for the death penalty, or, at the discretion of the court, imprisonment for five years at hard labor and a fine of not less than ten thousand dollars. The person found

guilty of treason is always disqualified from holding any position of honor or trust under the government.

Clause 2—Punishment

The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

Purpose.—This prohibition upon congress to pass a bill of attainder of treason seems a strange one to us, in these days of personal liberty, but not many generations before the adoption of the constitution of the United States, parliament passed very severe laws for the punishment of treason among British subjects. The person found guilty of treason was often seized and put to death with great cruelty. His property was confiscated by the crown, and his legal heirs were declared to be disqualified from inheriting or transmitting property. His blood was said to be attainted, and none of his descendants could ever claim any of his property. This clause from our constitution shows the growth of liberal sentiment in matters of government.

CHAPTER X

ARTICLE IV. THE RELATIONS OF THE STATES

SECTION I. STATE RECORDS

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Wise Provision.—This provision served to place the states on a friendly footing. In no other way could the founders of the constitution have hoped to establish justice among the states. So valuable has this clause proved, that the decision of a suit at law in one state is very often made the basis of settlement of a similar case in another state.

State Constitutions.—The United States constitution guarantees to each state a republican form of government. To insure this, each state has adopted a constitution providing for three branches of government, corresponding to those of the United States government. The constitution of each state is submitted to congress for approval before the state is admitted into the Union. The constitution of the United States, laws passed by congress, and the treaties made by the United States, apply to the whole country. Laws passed by the legislature of any state are based upon the constitution of that state. A comparative study of the constitutions of the several

states shows that while they have many points in common, they are widely different in many other respects. Each constitution provides for its own amendment, and there is also provision for the adoption of a new constitution in nearly all of the states, whenever there seems to be a popular demand for it.

Certified Records.—Certified copies of records and judicial proceedings may be sent from one state to another, to be used in evidence, and, if properly certified, they have the same force and effect as though they had been made in the state in which they are to be used by transcript.

State Laws.—Each state may have its own statutes, or laws, relating to records of different kinds. For example, South Dakota requires two witnesses to the signature of persons deeding real estate, in addition to the proper acknowledgment of the signatures before some officer authorized to take such acknowledgment. In Washington, no witnesses are required, unless the signature is made by a “mark,” in which case a witness to the mark is required. A resident of South Dakota, wishing to deed land he may own in Washington, must comply with the Washington law, and a person in Washington, to deed land in South Dakota, must comply with the law of the latter state.

SECTION II. RELATIONS OF CITIZENSHIP

Clause 1—Citizens

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Privileges.—This clause was the outgrowth of the bitter experience of some of the states in their dealings with their neighbors. Petty jealousies caused some of the states to deny to the surrounding states certain privileges that were granted

to the citizens of more remote states. The wisdom of this clause is apparent. When a citizen of one state removes to another, he acquires the right to vote only by complying with the requirements of the constitution and laws of the state to which he has removed.

Clause 2—Fugitives from Justice

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Requisition.—The demand of the executive authority of a state for the surrender of an escaped criminal is called a requisition, and the official papers in such cases are known as requisition papers. A felony is a crime punishable by death or imprisonment in the penitentiary. A state has jurisdiction over crimes committed within its own borders. Criminals fleeing from justice often cross the boundary line of a state for the purpose of gaining time, as a warrant issued in one state cannot legally be served in another. The governor of a state seldom refuses to grant the request made in a requisition, although that sometimes happens. If it were not for this provision, crime would be much more frequent than it now is.

Extradition.—The plan of giving up criminals, when application has been made in the proper manner, is often resorted to by nations. The laws relating to this subject are called extradition laws. The United States has made extradition treaties with many of the leading nations of the earth.

Clause 3—Fugitives from Service

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law

or regulation therein, be discharged from such service or labor, but shall be delivered up on a claim of the party to whom such service or labor may be due.

Clause Obsolete.—This clause is obsolete, owing to the abolition of slavery. In a few instances, it may have applied to persons bound to service for a term of years. Its necessity in former years seemed absolute to the slaveholder, but the “underground railroad” tells the history of violations of the provisions of this clause.

SECTION III. NEW STATES AND TERRITORIES

Clause 1—The Admission of New States

New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.

Canada; New States.—The articles of confederation provided that Canada might be admitted into the Union, but no action was taken by that province. The thirteen original states included a narrow strip of land along the Atlantic seaboard, but so many additions in territory have been made, that there is now in the United States more than four times its original area.

Territory.—The following territory has been acquired by the general government:

1783–1802. Lands between original states and the Mississippi river, by treaty with Great Britain, and cessions by various states.

1803. The Louisiana Purchase, from France, by purchase, for fifteen million dollars.

1819. Florida, from Spain, by purchase, for five million dollars.

1845. Texas, by annexation.

1846. Oregon country, by treaty with Great Britain, in admission of claims based on several grounds.

1849. Mexican cession, by conquest and purchase for the sum of eighteen million, three hundred and fifty thousand dollars.

1853. The "Gadsden Purchase," from Mexico, by purchase, for ten million dollars.

1867. Alaska, from Russia, by purchase, for seven million, two hundred thousand dollars.

1898. Hawaii, formerly an independent kingdom, afterwards a republic, by annexation.

1898. Porto Rico, Guam, and the Philippines, from Spain, by conquest and purchase for twenty million dollars.

1899. Tutuila, by treaty with Great Britain and Germany.

1904. Panama Canal Strip, by treaty.

States Formed.—From this territory, thirty-five new states have been formed, and there is still a large tract under territorial government, and several insular dependencies.

Action in Congress.—There are no special requirements that a territory must possess, before it can seek admission into the Union. The territorial delegate generally urges the matter upon the attention of congress, and, if it is considered advisable to organize a territory into a state, a law called an enabling act is passed by congress. This law gives the people of the territory the right to hold a convention for the purpose of framing a state constitution, and, on compliance with certain conditions, to be admitted as a state.

Constitutional Convention.—The new constitution is submitted to the people of the territory to be voted upon by them,

and if a majority of the votes cast are in favor of it, the constitution is adopted. Copies of the constitution are sent to the president and to each house of congress, and, if its provisions are satisfactory, the state is then formally declared to be admitted into the Union.

Exceptions.—There was no enabling act passed by congress for the admission of Michigan, Oregon, and some other states. Vermont, Kentucky, Maine, Texas, California, and West Virginia were never territories. Texas was admitted by annexation, California was organized as a state and admitted by congress instead of being first erected into a territory, and the other four named were erected from the territory of the states to which they had belonged.

West Virginia.—When Virginia decided to secede from the Union at the breaking out of the Civil War, forty-eight counties in the western part of the state determined to remain loyal to the general government. This they did, and, in 1863, they were admitted as a separate state and called West Virginia. This was done in direct violation of the constitution of the United States, but it was considered necessary as a war measure.

No new state has ever been formed by the junction of two or more states.

Clause 2—Territories

The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Territorial Government.—By the authority given by this clause, congress has passed laws for the government of the ter-

ritories and dependencies of the United States and for the District of Columbia. A fully organized territory has a governor and judges appointed by the president and confirmed by the senate; and a legislature composed of members chosen by the people of the territory. A territory also elects a delegate to congress, whose duty it is to look after matters of special importance to his territory. The territorial delegates sit in the house of representatives. They may take part in debate, but they are not permitted to vote on any subject. They receive the same salary as members of congress. Porto Rico and the Philippines are governed much like territories, but in their legislatures the members of one house are appointed by the president. Porto Rico elects one commissioner, and the Philippines two commissioners, who have seats in the house of representatives with the same rights as territorial delegates.

SECTION IV. STATE GOVERNMENT

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

Invasion; Insurrection.—Since the states surrendered to congress the control of the army and navy of the nation, as well as the right to maintain a standing army, it is right that there should be some guaranty of protection to the states in case of invasion or insurrection. During the strike of 1907 at Goldfield, Nevada, the president sent United States troops to aid in keeping order. It is not often that troops have been needed for the purpose indicated in this section.

CHAPTER XI

ARTICLE V. AMENDMENTS TO THE CONSTITUTION

PART I

The congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

Amendments.—One of the weaknesses of the articles of confederation was that they did not provide for any alteration or amendment. Another was that they were drafted in time of war and under peculiar circumstances, so that they provided for the needs of the hour rather than for the future. One of the strong features of the constitution of the United States is that it deals in general provisions. It provides a

general plan for the organization of the different departments of the government, without being specific as to the plan of putting these provisions into operation. The government of 1789 was very crude in comparison with the government of to-day, but owing to the flexibility of the constitution and the wisdom manifested by those who framed it, in leaving to congress the power to legislate, in a specific manner, for the needs of the people from time to time, the constitution has answered the demands of every period of the nation's existence. The constitution may be amended, if occasion demands, but the task is not an easy one. Thus far, only twenty-one amendments have been formally proposed, of which fifteen have been ratified, and two (1912) are under consideration by the states. This fact indicates the stability of our government.

Processes.—The constitution provides two methods for its own amendment, but the first method has alone been tried. All the amendments that have been adopted were proposed by congress and ratified by the state legislatures. Nearly a thousand amendments to the constitution have been proposed in congress, but, as stated above, only fifteen have been adopted.

Ratification.—When an amendment has been proposed in the regular way, it must be ratified by the legislatures of three fourths of the states, before it becomes a part of the constitution. The constitution of the United States was submitted to conventions in the several states for ratification by them, and it was some time before the assent of some of the states could be obtained. New York "halted between two opinions" for more than a year, and it was more from selfish motives than for the general welfare of all the states that she finally ratified the constitution. Rhode Island and North Carolina were not in the Union when Washington was inaugurated.

Bill of Rights.—That the constitution was not entirely satisfactory to the people at the time of its adoption is shown by the fact that the first ten amendments were proposed by congress at its first session. This did not reflect upon the wisdom of the members of the constitutional convention, but, on the contrary, it showed that they were anxious to gratify the wishes of the people in the formation of a new constitution. It was understood before the convention adjourned that nothing in the nature of a “Bill of Rights” should be made a part of the constitution, but that everything of that kind should emanate from the people, after they had been given an opportunity to study the constitution itself. The first ten amendments are often called the “Bill of Rights.” They were ratified by the states and declared to be a part of the constitution, in 1791. Twelve amendments were voted on at this time, but only ten of them received the approval of the states.

Other Amendments.—The eleventh amendment was proposed in 1796, but it was not adopted until 1798. The twelfth amendment was submitted to the people in 1803, and ratified the following year. The last three amendments relate to the slavery question. Their provisions are sometimes stated in this way: “The thirteenth amendment freed the negro, the fourteenth made him a citizen, and the fifteenth gave him the right to vote.” The thirteenth amendment was proposed and adopted in 1865, the fourteenth, in 1868, and the fifteenth, proposed in 1869, was ratified in 1870. The amendments will now be given and discussed in order.

ARTICLE I. FREEDOM GUARANTEED

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the

freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Religious Freedom, etc.—The rights guaranteed by this article were very dear to the people at the time our government was organized. It will be remembered that several of the colonies were settled by those who wished to secure freedom from religious persecution in England. By this clause, congress is prohibited from passing any law to abridge the freedom of speech or of the press, or the right of peaceable assembly and petition. Because these rights were denied the colonies by the British government, they rebelled, and their rebellion resulted in revolution and the establishment of a new form of government. Every person may be held responsible for the abuse of the right of freedom of speech and of the press. The Declaration of Independence showed how keenly the people felt the refusal of the king to permit them to assemble peaceably and to petition the government for a redress of grievances.

ARTICLE II. RIGHT TO BEAR ARMS

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Militia.—The subject of militia has been discussed quite fully in another part of this volume. Every state in the Union maintains an organized militia, small in numbers, but sufficient for all needs in time of peace. This amendment must not be construed to give to individuals the right to carry concealed weapons. Such a practice is considered a dangerous one, and it is made a misdemeanor by the laws of nearly all of the states.

ARTICLE III. QUARTERING SOLDIERS

No soldiers shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Civil Power Supreme.—The “Quartering Act,” passed by parliament, aroused the anger of the people of Massachusetts, in the days preceding the Revolution. It is no wonder that the people desired to be secure against military interference in either peace or war. As we are not a warlike people, it has always been the policy of the government to make the military subordinate to the civil power.

ARTICLE IV. SECURITY AGAINST UNWARRANTED SEARCHES

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Purpose.—This article is also the result of the arbitrary rule of the British government over the American colonies. For many years preceding the Revolution, revenue officers were sent to the colonies to collect duties on imported goods and to prevent smuggling. The officers were provided with general search warrants, called “writs of assistance,” which empowered them to search, wherever they chose, for goods that they thought had been brought into the country contrary to law. Because of their opposition to the revenue officers sent over by the English government, John Hancock and Samuel Adams were considered archtraitors, and, in a general am-

nesty offered to the people of Massachusetts, these two men were not included.

General search warrants issued under authority of United States laws, or by United States officers, are prohibited by this amendment. If any search is necessary, it must be made under authority of a particular search warrant, specifying the place to be searched.

ARTICLE V. LIFE, LIBERTY, AND PROPERTY

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Purpose.—This article applies only to cases arising under United States laws. Nearly all the states, however, have incorporated this amendment into their constitutions. Offenses in the army, navy, and militia are punished by court-martial.

Persons Accused.—When a person accused of crime has been tried and either convicted or acquitted, he cannot be required to submit to another trial or punishment for the same offense. In case of a disagreement of a jury, the person accused will be held for a second trial. It is a wise provision that grants to a person accused of crime the right to remain silent, if he chooses. This is on the principle that every person charged with crime is considered innocent until he has

been proved guilty. The right to a fair and impartial trial is also assured to every person accused of crime.

Property Condemned.—It sometimes becomes necessary to convert private property to the use of the public. Railroads have been constructed in all directions throughout the United States, and very often the owners of property along the proposed lines of railway have refused to sell the land needed for the right of way. In such cases, the railway company proceeds, in a legal manner, to have the land needed set apart for their use. Property thus taken is said to be condemned, and this can be done only by awarding to the owner just compensation for the property seized. In nearly all the states, the condemnation of property is regulated by law. It is recognized as a principle, in such cases, that the commissioners appointed to assess damages on account of the property condemned, shall not take into account any benefit that will result to the owner of the land on account of the proposed improvement. Property in cities is often condemned by the government for the use of streets and alleys, and also for the erection of public buildings.

ARTICLE VI. RIGHTS OF PERSONS ACCUSED

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Fair Trial.—It will be seen that it is the purpose of the constitution to give every person accused of crime the benefit of

any reasonable doubt as to his guilt, and also to put him to as little inconvenience as possible, in submitting to a trial. Not every person accused of crime is found guilty, and it is intended that innocent persons shall not be made to suffer for offenses committed by others.

Judicial Districts.—The districts referred to in this amendment are designated by congress. Washington is divided into two United States judicial districts—the eastern and the western—and violators of the law of congress in this state are tried in the district in which the offense is committed.

Rights of Accused.—A person accused of crime against the federal government must be informed of the nature of the offense, and he must also be confronted by the witnesses against him. Witnesses summoned in behalf of the person accused of crime are compelled to attend the trial, and counsel for the accused is also provided—at the expense of the government, if necessary. No pains will be spared to enable a person to show himself to be innocent of the crime with which he is charged, if it can be done.

ARTICLE VII. JURY TRIAL IN COMMON-LAW SUITS

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Civil Suits.—This article is intended to apply to civil suits, under the federal laws, and to any other federal cases not specially designated by preceding amendments. In the trial of any case, the justice or judge interprets the law as he understands it, and the jury arrives at the facts of the case, so far as they are brought out by the evidence. A new trial

may be held before the same court for good cause shown. In the hearing of a case before a higher court on appeal, the facts as shown in the lower court may be examined for the purpose of determining whether the court's rulings have been properly made, and whether the law in the case has been properly applied, or not.

ARTICLE VIII. EXCESSIVE BAIL, FINES, AND PUNISHMENTS FORBIDDEN

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Punishments.—The language of this article is in harmony with the other amendments relating to punishments. Bail should not be excessive, and fines are intended to be commensurate with the nature of the offenses to be punished. Our courts are disposed to be lenient in dealing with criminals, and yet justice tempered with mercy is to be desired in many cases, rather than justice with undue severity.

ARTICLE IX. RIGHTS RESERVED

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Personal Rights.—It is intended that all rights properly belonging to a free people shall be enjoyed by the inhabitants of the United States. This clause reserves to the people all their personal rights, except such as are specially surrendered for the common good by express provisions of the constitution. It would be impossible to enumerate all the rights that may belong to a free people, but all such rights of whatever nature are reserved to the people, unless the constitution specially provides that some of them must be surrendered for the public

good. The right of the government to demand military service of its citizens is a just one, and necessary to the protection of its institutions. All able-bodied male citizens between the ages of eighteen and forty-five are made subject to military duty, at the need of the nation, whether they are willing or not.

ARTICLE X. LIMITATIONS OF THE NATIONAL GOVERNMENT

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

Rights Reserved.—This amendment is so plain that its purpose is easily understood. It expressly provides that any powers not specially delegated to the general government by the constitution are reserved to the states respectively, or to the people. In other words, the powers of our national government are fully defined in the constitution.

PART II

ARTICLE XI. LIMIT TO JURISDICTION OF UNITED STATES COURTS

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

State Debts.—This amendment provides that a state cannot be sued by citizens of another state or by subjects of any foreign power. It is supposed that a state will be willing to pay its honest debts, if able to do so. A claim against a state, not specially provided for by law, is paid by appropriation made by the legislature. Some of the states have been heavily in debt at different times, and, in some instances, states have been obliged to repudiate their debts.

ARTICLE XII. METHODS OF CHOOSING PRESIDENT AND VICE PRESIDENT

(This amendment is discussed fully in connection with the executive branch of the government; see pages 331-333.)

ARTICLE XIII. SLAVERY

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Congress shall have power to enforce this article by appropriate legislation.

Slavery.—It will be remembered that the subject of slavery was one of the questions that could not be settled by the constitutional convention. The Missouri Compromise served to show that at some future time a desperate struggle must be had to settle whether this nation should abolish slavery or not. "A nation cannot exist, half slave and half free." The abolition party, under the leadership of William Lloyd Garrison, Wendell Phillips, and others, had for its mission the overthrow of slavery in the United States. Down to 1850, the slave power in congress had been able to secure the admission of a slave state, whenever a free state was admitted into the Union. "Uncle Tom's Cabin," written by Harriet Beecher Stowe, in 1852, aroused bitter opposition to slavery as an institution. Although slavery was not one of the immediate causes, it was one of the actual causes and the success of the Union forces meant the overthrow of slavery.

Slavery Abolished.—This article abolished slavery. The "Emancipation Proclamation," issued by President Lincoln, Washington—25

in 1863, was intended as a war measure, and, while its purpose was to free the slaves in those districts which were then in rebellion against the government, it did not abolish slavery as an institution. That proclamation did not disturb slavery in Delaware, Maryland, Kentucky, Tennessee, Missouri, and those parts of Virginia and Louisiana that were not in rebellion against the United States. This amendment was proposed by congress in January, 1865, and it was declared by Secretary Seward to be a part of the constitution of the United States, December 18, 1865.

ARTICLE XIV. RECONSTRUCTION

Section I—Citizenship

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Citizenship.—Until the adoption of the fourteenth amendment, citizenship was a subject about which there was much dispute. It was claimed by some that citizenship can be conferred only by the general government, while others were equally certain that the whole subject is one that each state must settle for itself. This was one of the subjects upon which there was a division of sentiment between the North and the South, all along through our history. The advocates of "State Rights" insisted that there can be no such thing as citizenship of the United States. The language of the amend-

ment is so clear as to leave no doubt now as to the use of the term citizen. Every pupil in our public schools should be taught this sentence: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

Equal Rights.—The second part of this section is intended to give all classes of citizens the equal protection of the laws. It was feared that the negroes would suffer much at the hands of their former masters, and that laws would be passed to deny to the emancipated slaves the rights to which they were entitled under the constitution. It took many years for both classes at the South to adjust themselves to their changed condition, after the abolition of slavery. There was no more conflict than might have been expected, when we consider how powerful an institution slavery had become. The time is not far distant when the last clause of this section will be obeyed in spirit, as well as in letter, throughout the length and breadth of our land.

Section II—Representation

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number

of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Representation.—The effect of this section was to include the emancipated slaves in the basis of representation. When the constitution was adopted, it provided that, in addition to the white population and Indians who were taxed, three fifths of all other persons should be counted in apportioning representatives. By this plan, five slaves were counted as three whites. This section provides for the counting of all the people of the United States, excluding Indians not taxed, in making up the ratio of apportionment of representatives.

Ratio of Representatives.—The latter part of this section is intended to prevent the states from placing any restriction upon the right of the negro to vote, if qualified according to the constitution of the state in which he resides. And in case any restriction is made, the persons thus deprived of the right to vote are not to be counted in determining the representation of that state in congress. As might have been expected, there was bitter opposition to granting to the negro the right to vote and hold office in the southern states; but the national government insisted on this being done. As each state is permitted to determine the qualifications of its own voters, an educational qualification has been provided, in recent years, in some of the southern states, with the thought of preventing the negro from voting or holding office, because he could not meet this requirement.

Section III—Effects of Rebellion

No person shall be a senator or representative in congress, or elector of president or vice president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of congress, or as an

officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two thirds of each house, remove such disability.

Restrictions.—This section was intended to disqualify those who had held any office of trust or profit in state or national government, and who had afterwards engaged in rebellion against the nation, from taking any part in matters of government without special action by congress. For two or three years after the close of the Civil War, public officers in the southern states were required to take an “ironclad” oath, as it was called, in which they declared they had never been in rebellion against the government of the United States. For a time, this restriction practically prevented the white people of the South from holding any office of honor or trust under the general government. Unscrupulous men from the northern states went South with the expectation of profiting by this condition of things, and with the certainty of being chosen to office. These men were known as “carpetbaggers,” because all their worldly possessions might have been carried in a carpetbag.

Pardon.—President Johnson granted a general amnesty, or pardon, to participants in the rebellion who would take an oath of allegiance to the United States. Some of the officers of the Confederate government never took the required oath, and they were therefore never pardoned.

Section IV—War Debts

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions

and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

National Debt.—The debt of the United States was enormous at the close of the Civil War, amounting, as it did, to almost three billion dollars. In addition to paying this debt, the government is pledged to the payment of bounties and pensions allowed Union soldiers for their efforts in saving the Union. A few years ago, fully one third of the total revenue of the government was used for the payment of pensions. The Spanish-American war and the war in the Philippines increased the debt of the United States considerably, but the resources of the nation are so vast that a great part of this indebtedness was soon paid off, on the return of peace.

Confederate Debt.—By the second part of the fourth section, the confederate debt is repudiated. No claim against the United States, or any state, is valid, if it was created by any one for any purpose to aid in support of the rebellion. Thousands of claims of loyal citizens, resident in the South during the war, have been allowed in payment for property seized or destroyed by the Union armies on their march. The debts contracted by the Confederate States on account of the war have never been paid. Large sums of paper money were issued by the Confederate States, promising to pay to the bearer the face value of the notes "Two years after the ratification of a treaty of peace between the Confederate States and the United States of America." Such a treaty was never made, and this money was therefore worthless.

Section V

The congress shall have power to enforce, by a appropriate legislation, the provisions of this article.

This clause is surplusage. Congress has power to enforce the provisions of every article in the constitution.

ARTICLE XV. RIGHT TO VOTE

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

The congress shall have power to enforce this article by appropriate legislation.

Negro Suffrage.—As stated elsewhere, the right of suffrage is conferred upon certain classes of persons in each state, and the qualifications of voters in the different states vary greatly. The constitution of the United States defines citizenship in the fourteenth amendment, but it does not provide any regulations for suffrage, except as contained in the fifteenth amendment. While the negro is not mentioned in the fifteenth amendment, the language is so plain as to leave no doubt that it is intended to confer the right of suffrage upon all negroes who have the qualifications of voters as required in the state in which they reside.

CHAPTER XII

ARTICLES VI AND VII. GENERAL PROVISIONS

Clause 1—Debts Assumed

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.

Debts Assumed.—Although the independence of the United States was granted by England, in 1783, the government at that time was in a pitiable condition. It had no treasury and no credit. Congress was powerless to remedy the existing evils. While it was suggested by some members of the constitutional convention that the debts incurred during the Revolution need not be assumed by the new government, it was agreed that the debts of the confederation should be recognized as binding upon the new government under the constitution. The language of this article, by means of which all debts contracted and engagements entered into before the adoption of this constitution, were to be as binding upon the United States under this constitution as under the confederation, stands as a glowing tribute to the honor and integrity of the founders of our government.

Clause 2—Supremacy of the Nation

This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or

which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

Nation Supreme.—It would seem as if there could be no misunderstanding of the language of this clause, and yet the doctrine of "State Rights" was openly advocated for years. That doctrine was, in substance, that whenever a conflict arose between the nation and any state, as to the meaning of any clause in the constitution, the authority of the state might decide the matter for that state. In 1832, South Carolina passed a law declaring that certain acts of congress which were distasteful to the people of the state were unconstitutional, null, and void. It also took steps to withdraw from the Union, but the prompt action of President Jackson prevented it. It required the great struggle of the Civil War to demonstrate to the people, and to the world at large, that the United States is a nation, and not merely a confederation of states.

Laws of Congress.—It sometimes happens that congress passes a law which is in opposition to the provisions of the constitution of some state. While the authority of congress is supreme in such cases, it is customary to give the state affected by the law a reasonable time in which to make the necessary changes. Congress legislates for the whole nation and for all the people collectively, but it does not pass laws for the government of local affairs. The right of President Cleveland to send troops to Chicago, in 1894, to assist in putting down the great strike then in progress, was looked upon by Governor Altgeld and many others as an act unwarranted by the constitution of the United States. President Cleveland replied that the rioters were obstructing the delivery of the mails,

a matter entirely under federal control, and that the authority of the United States government to interfere in such cases could not be denied. Lynchings and other atrocities committed within the boundaries of any state cannot be punished by the United States authorities, unless the local authorities appeal to the general government for help. In other words, the United States recognizes the absolute right of each state to manage its own affairs, unless some law of congress, applicable alike to all the states, is being violated.

Clause 3—Oath of Office

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Oath.—Every civil officer of the United States and of the several states is required to take an oath of office that he will support the constitution of the United States; except that those who are opposed to taking an oath, on account of conscientious scruples, are permitted to affirm solemnly that they will support the constitution of the United States “under the pains and penalties of perjury.”

Religious Test Prohibited.—The abolition of a religious test as a qualification for office seemed strange to many people, at the time of the adoption of the constitution of the United States. At that time, nearly every civilized nation of the earth required that all its officers should be church members. It will be seen that this clause applies to “any office or public trust under the United States.” For many years after the adoption of the constitution of the United States, some of the

states required some form of religious test for the state officers. New Hampshire required that her governor and members of the general assembly should be believers in the protestant faith, and this rule was not changed in that state until 1877. In England, Jews were not allowed to sit in parliament until about fifty years ago. The supreme court of the United States has decided that this clause of the constitution does not apply to any of the states, as each state is sole judge of the qualifications of its own voters and officers. But the religious freedom guaranteed in other parts of the constitution could hardly have been made possible, without the addition of this clause.

ARTICLE VII. RATIFICATION OF THE CONSTITUTION

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Constitution Operative.—The refusal of Maryland to ratify the articles of confederation for so many years led to the adoption of this article. It was thought proper for the new government to begin its work, whenever the assent of two thirds of all the states had been given to the constitution. By the time the government was organized, eleven states had agreed to be governed by the new plan, and it was not long until the other two of the thirteen original states were added to the Union.

APPENDIX

THE DECLARATION OF INDEPENDENCE

IN CONGRESS, JULY 4, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES
OF AMERICA

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.—Such has been the patient sufferance

of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the condition of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislature.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond the seas to be tried for pretended offenses:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by

every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections, and correspondence. They too have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire

Josiah Bartlett,
Wm. Whipple,
Matthew Thornton.

Rhode Island

Step. Hopkins,
William Ellery.

Massachusetts Bay

Saml. Adams,
John Adams,
Robt. Treat Paine,
Elbridge Gerry.

Connecticut

Roger Sherman,
Samuel Huntington,
Wm. Williams,
Oliver Wolcott.

New York

Wm. Floyd,
 Phil. Livingston,
 Frans. Lewis,
 Lewis Morris.

New Jersey

Richd. Stockton,
 Jno. Witherspoon,
 Fras. Hopkinson,
 John Hart,
 Abra. Clark.

Pennsylvania

Robt. Morris,
 Benjamin Rush,
 Benja. Franklin,
 John Morton,
 Geo. Clymer,
 Jas. Smith,
 Geo. Taylor,
 James Wilson,
 Geo. Ross.

Delaware

Caesar Rodney,
 Geo. Read,
 Tho. M'Kean.

Maryland

Samuel Chase,
 Wm. Paca,
 Thos. Stone,
 Charles Carroll of Carrollton.

Virginia

George Wythe,
 Richard Henry Lee,
 Th. Jefferson,
 Benja. Harrison,
 Thos. Nelson, Jr.,
 Francis Lightfoot Lee,
 Carter Braxton.

North Carolina

Wm. Hooper,
 Joseph Hewes,
 John Penn.

South Carolina

Edward Rutledge,
 Thos. Heyward, Junr.,
 Thomas Lynch, Junr.,
 Arthur Middleton.

Georgia

Button Gwinnett,
 Lyman Hall,
 Geo. Walton.

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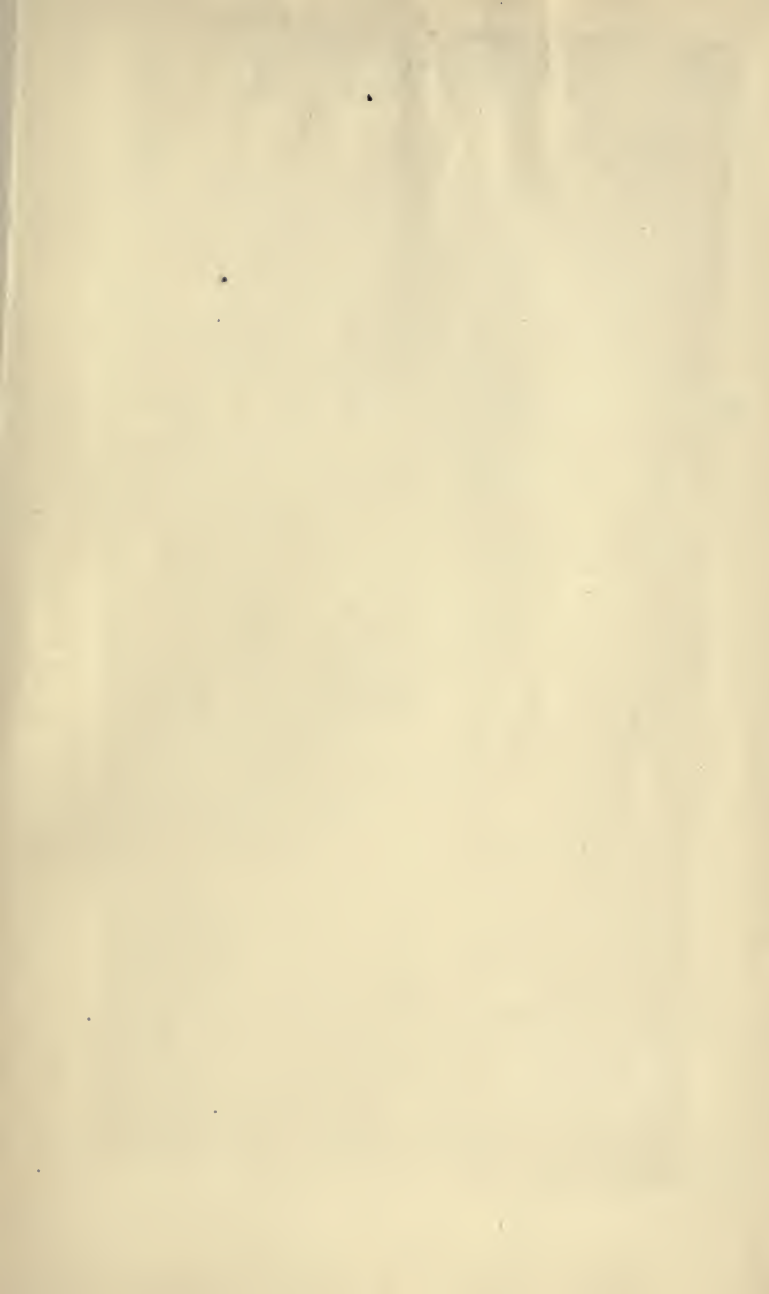
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